

COMMITTEE :
Licensing Sub-Committee
27 July 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|--|------|
| <p>SUBJECT : Application to vary a premises licence</p> <p>PREMISES : News and Chews, 10 Colman Parade, Southbury Road, ENFIELD, EN1 1YY.</p> <p>WARD : Southbury</p> | |

1.0 LICENSING HISTORY

- 1.1. The premises licence (LN/201500172) for News and Chews was issued on 27 May 2015 naming Mr Gokan Surensay as both Premises Licence Holder and Designated Premises Supervisor (DPS). The application was not subject to any representations, and was granted by officers in accordance with delegated powers.

2.0 CURRENT POSITION:

2.1 The current Premises Licence permits:

- 2.1.1 Hours the premises are open to the public: 06:00 to 23:00 Sunday to Thursday, 06:00 to midnight Friday and 07:00 to midnight Saturday.
- 2.1.2 Supply of alcohol (off supplies only): 08:00 to 23:00 Sunday to Thursday and 08:00 to midnight Friday and Saturday.

2.2 A copy of a location map of the premises is attached as Annex 01.

2.3 A copy of the current Premises Licence is attached as Annex 02.

3.0 THIS APPLICATION:

3.1 Application is made by Mr Gukan Surensay for a variation of Premises Licence LN/201500172. The application seeks:

- 3.1.1 Hours the premises are open to the public: 06:00 to 02:00 Sunday to Thursday and 06:00 to 03:00 Friday and Saturday.
- 3.1.2 Supply of alcohol (off supplies only): 08:00 to 02:00 Sunday to Thursday and 08:00 to 03:00 Friday and Saturday.

3.2 Please note that the original application sought opening and sale of alcohol daily until 3am, but this has since been amended.

3.3 The application was advertised in accordance with the requirements of the Licensing Act 2003.

- 3.4 Each of the Responsible Authorities were consulted in respect of the application.
- 3.5 A copy of the application is attached as Annex 03 and the email amending the hours sought is attached as Annex 04.

4.0 RELEVANT REPRESENTATIONS:

- 4.1 **Metropolitan Police:** Representation is made on the grounds of the prevention of public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the CIP core hours to be granted and for the parts of the application variation that are outside the CIP core hours to be refused.
- 4.2 A copy of the representation is attached as Annex 05.
- 4.3 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation is made on the grounds of the prevention of public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the CIP core hours to be granted and for the parts of the application variation that are outside the CIP core hours to be refused.
- 4.4 A copy of the representation is attached as Annex 06.

5.0 PROPOSED LICENCE CONDITIONS

- 5.1 The applicant offered an additional two conditions to the existing licence conditions which can be seen in Annex 07.

6.0 RELEVANT LAW, GUIDANCE & POLICIES:

- 6.1 The paragraphs below are extracted from either:
- 6.1.1 the Licensing Act 2003 ('Act'); or
- 6.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
- 6.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

- 6.3 The licensing objectives are:
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4(2)].

- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 6.4.1 the Council's licensing policy statement; &
 - 6.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Cumulative Impact Policy:

- 6.5 The applicant premises/club premises is located in the Enfield Town Cumulative Impact Policy Area [Pol s.9.22/23].
- 6.6 The application is for a variation of a premises licence [Pol s.9.22/23].
- 6.7 The application is subject to a relevant representation [Pol s.9.22/23].
- 6.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.22/23].
- 6.9 The Core Hours for this application are:
 - 6.9.1 Sale/supply of alcohol (off supplies only): Monday to Sunday Indoors and/or outdoors 08:00 to 00:00 [Pol s.9.24.1]:
- 6.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.23].
- 6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.35].

Hours:

- 6.12 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].

6.13 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 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 [Pol s.8.4].

Decision :

6.14 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. [Guid 9.36].

6.15 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

6.15.1 the steps that are appropriate to promote the licensing objectives;

6.15.2 the representations (including supporting information) presented by all the parties;

6.15.3 the guidance; and

6.15.4 its own statement of licensing policy [Guid 9.37].

6.16 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:

6.16.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;

6.16.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;

6.16.3 to refuse to specify a person in the licence as the premises supervisor;

6.16.4 to reject the application [Act s.18].

Background Papers :

None other than any identified within the report.

Contact Officer :

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