

COMMITTEE :
Licensing Sub-Committee
10 May 2017

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part1	Item
<p>SUBJECT : Application for a Variation of a premises licence</p> <p>PREMISES : Fish Restaurant, 112 High Street, ENFIELD, EN3 4ES.</p> <p>WARD : Ponders End</p>	

1 LICENSING HISTORY:

- 1.1 This premises has held a licence since 2005 following an application to convert an existing licence to a Premises Licence, which was not subject to any representations, and was granted by officers in accordance with delegated powers. This premises licence (LN/200501174) was transferred twice, before it was surrendered by the Premises Licence Holder, Mr Homaun Kabir, on 7 September 2015.
- 1.2 On 22 July 2015, a new premises licence (LN/201500377) was issued to Mr Mansur Duzgun as the Premises Licence Holder. Mr Homaun Kabir was named the Designated Premises Supervisor (DPS) at this time, but on 5/7/16 this position was varied naming Mr Sercan Gok.
- 1.3 The premises has not been subject to a review of the licence at any time since 2005.

2 CURRENT POSITION

- 2.1 Premises Licence LN/201500377 permits:
 - 2.1.1 Hours the premises are open to the public: 07:00 to midnight daily.
 - 2.1.2 Supply of alcohol (on and off supplies): 12:00 to 23:30 Sunday, 11:00 to midnight Monday to Saturday.
 - 2.1.3 Recorded music (indoors and outdoors): 11:00 to midnight daily.
 - 2.1.4 Live music (indoors): 16:30 to 22~:30 Sunday, 18:00 to midnight Monday to Saturday.
 - 2.1.5 Late night refreshment (indoors and outdoors): 23:00 to midnight daily.
- 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 THIS APPLICATION:

- 3.1 On 17 March 2017 an application was made by Mr Mansur Duzgun for a variation of Premises Licence for Fish Restaurant, 112 High Street, Ponders End, EN3 4ES.
- 3.2 The application seeks to amend existing conditions, remove conditions and to amend the plan attached to the licence. There are no changes sought to the licensing hours or activities.
- 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 03a and a copy of the new plan as Annex 03b.

4 RELEVANT REPRESENTATIONS:

- 4.1 **Responsible Authorities:** No representations were received by any of the Responsible Authorities. Licensing Enforcement advised that this variation application has been made following their recommendation in light of a new business model planned for the premises.
- 4.2 **Other Persons:** Representations have been made, against the application, by one ward councillor (IP1). The grounds of representation are based on the prevention of public nuisance and public safety licensing objectives.
- 4.4 A copy of the representation is attached as Annex 04.

5 PROPOSED CONDITIONS

- 5.1 Conditions arising from this application can be seen in Annex 05.

6 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)].
- 6.5 The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.17.1].

Decision:

- 6.6 As a matter of practice, the Sub-Committee 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 [Guid 9.36].
- 6.7 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:
 - 6.7.1 the steps that are appropriate to promote the licensing objectives;
 - 6.7.2 the representations (including supporting information) presented by all the parties;
 - 6.7.3 the guidance; and
 - 6.7.4 its own statement of licensing policy [Guid 9.37].
- 6.8 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:
 - 6.8.1 To grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.8.2 To reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 8379 8453