

MUNICIPAL YEAR 2017/18 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
16 August 2017

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003

Agenda - Part	Item
SUBJECT: Variation of a premises licence	
PREMISES: Indian Fusion, 252A High Street, ENFIELD, EN3 4HB	
WARD: PONDERERS END	

1.0 LICENSING HISTORY

1.1 A new premises licence (LN/200600601) was issued on 24 November 2006 to the premises, Indian Fusion, 252A High Street, Enfield, EN3 4HB, naming Mr Ajahar Ali as the Premises Licence Holder and Designated Premises Supervisor (DPS). The application which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.2 The premises has not applied for any Temporary Event Notices (TENs).

2.0 CURRENT POSITION:

2.1 Premises Licence LN/200600601 permits:

2.1.1 Hours the premises are open to the public: 11:00 to midnight daily.

2.1.2 Supply of alcohol (on supply only): 11:00 to 23:30 daily.

2.2 A copy of a location map of the premises is attached as Annex 1.

2.3 A copy of the current Premises Licence is attached as Annex 2.

3.0 THIS APPLICATION:

3.1 On 11 July 2017, an application was made by Mr Ajahar Ali to vary premises licence (LN/200600601). The application seeks:

3.1.1 Hours the premises are open to the public: 11:00 to 00:00 daily (no change).

3.1.2 Hours – Delivery only: 12:00 to 03:00 daily.

3.1.3 Supply of alcohol (on supply only): 11:00 to 23:30 daily (no change).

3.1.4 Late night refreshment (indoors): 23:00 to 00:00 daily.

- 3.1.5 Late night refreshment (delivery only): 23:00 to 03:00 daily.
- 3.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.3 Each of the Responsible Authorities were consulted in respect of the application.
- 3.4 A copy of the application is attached as Annex 3.

4.0 RELEVANT REPRESENTATIONS:

- 4.1 **Metropolitan Police:** Representation is made on the grounds of the prevention of crime and disorder and prevention of public nuisance. The Police considers that it is appropriate to object to the application in its entirety.
- 4.2 A copy of the representation is attached as Annex 4.
- **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, prevention of crime and disorder and protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives to object to the application in its entirety.
- 4.3 A copy of the representation is attached as Annex 5.
- 4.4 **Other Persons:** Two representations have been made by local residents, against the application on the grounds of prevention of public nuisance, prevention of crime and disorder licensing objectives and the Council's Cumulative Impact Policy.
- 4.5 Copies of these representations are attached as Annex 6.

5.0 PROPOSED LICENCE CONDITIONS

- 5.1 The applicant offered conditions in Section M of the application form. Should the licence be granted in part or in full, the Responsible Authorities seek conditions be attached to the licence. All conditions can be seen together in Annex 7. *No indication of agreement to the conditions has been made by the applicant.*

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 is located in the Edmonton 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 relevant representations [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 Late night refreshment: Monday to Sunday 23:00 to 24:00 [Pol s.9.24.4]:
- 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:
- 6.15.1.1 the steps that are appropriate to promote the licensing objectives;
 - 6.15.1.2 the representations (including supporting information) presented by all the parties;
 - 6.15.1.3 the guidance; and
 - 6.15.1.4 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 reject the application [Act s.18].

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

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