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Dispatch: By email

ADDRESEE:  
Enfield Council  
Licensing Department

Telephone:

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Email:

Your ref:

Our ref: INDIAN-FUSION-REPRESENTATION

Date: 31/07/17

Dear Licensing Authority,

We write as agents on behalf of our client who has instructed us to make a formal representation against an application to vary a premises licence for Indian Fusion Restaurant 252a High Street, Ponders End.

Our client's representations are summarised as follows:

### **The premises are located within a Special Policy Area**

The premises are situated in the Edmonton Cumulative impact area. It appears from the application submitted that the applicant has not considered the Cumulative impact policy as there is no reference to the policy nor are there details of any measures within the operating schedule to address potential cumulative impact from extended hours of operation until 03:00.

### **Consideration of the Statement of Licensing Policy & Provision of a properly made out Operating Schedule.**

It is clear from the application a copy of which has been provided to us that the applicant has not considered Enfield Councils Statement of Licensing Policy specifically paragraphs 11 and 12.

The applicant has not completed a proper operating schedule for the proposed variation (required by section 17 subsection 4 of the Licensing Act 2003). There are no relevant control measures to promote the licensing objectives or to meet the Special Factors for Consideration in the statement of licensing policy for the objectives of prevention of crime and disorder, prevention of public nuisance and public safety. An example is in relation to the prevention of public nuisance. The application refers to the cooking of food and deliveries, coming from the rear of the premises but it does not say what type of method is to be used to make these deliveries. Cars, vans or even mopeds are used to deliver food late at night each of these will produce noise and disturbance mopeds can be especially noisy depending on

the way they are ridden to residents as they travel up and down the side access. In addition staff will also be leaving after 03:00 again causing possible disturbance to residents.

### **That the applicant is not a fit and proper person to hold a premises licence**

Our client does not believe that the applicant is a suitable or fit person to hold a premises licence on the basis that the premises had already been operating in contravention otherwise than in accordance with their licence under Section 136 of the Licensing Act as a hot food takeaway without the necessary licence for some considerable time until it was visited by council enforcement officers. It is understood that officers witnessed the sale of late night refreshment without a proper authorisation under provisions of the Licensing Act 2003. This is a criminal offence and must call into question the suitability of the applicant to continue to hold the licence or allow for the application to vary the licence to be granted.

Taking these points into consideration my client does not consider that this application to vary the licence should be granted by the licensing authority.

My client requests that their name to be withheld from the applicant as they believe that they may suffer retaliation as a result of making this representation

**Yours truly**

*Joshua Simons*

**Joshua Simons**

**Principal Licensing Agent, Joshua Simons & Associates Limited**

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