

MUNICIPAL YEAR 2017/18 REPORT NO.75

COMMITTEE:
Licensing Sub-Committee
4 October 2017

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003

Agenda – Part1	Item
SUBJECT: Application for a Variation of a Premises Licence	
PREMISES: On Broadway, 765 Green Lanes, LONDON, N21 3SA.	
WARD: Winchmore Hill	

1. LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 25 July 2005, an application by **Mr & Mrs Michael & Margaret Michael** to convert an existing Justices On Licence to a Premises Licence, which was not subject to any representations, was granted by the Licensing Sub-Committee (LN/200500777).
- 1.2 On 15 September 2010, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence, namely to extend the operating hours, which was subject to local resident representations, was granted by the Licensing Sub-Committee.
- 1.3 On 5 June 2017, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence, namely to remove the door supervisor condition, which was not subject to any representations, was granted by the Licensing Authority.
- 1.4 On 26 July 2017, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence by means of a minor variation, namely to amend the noise limiter condition, which was not subject to any representations, was granted by the Licensing Authority.
- 1.5 **Mr Michael Michael** was named as the Designated Premises Supervisor between 10 August 2005 and 26 August 2016.
- 1.6 **Mr Paul Michael** has been the Designated Premises Supervisor since 26 August 2016.
- 1.7 The premises have applied for and been issued numerous Temporary Event Notices (TENs) over the years. For example, in 2015, the premises had 10 TENs, in 2016 – 17 TENs and to date in 2017 – 9 TENs as follows:
 - 13/2/17 – 00:01 to 3.30am (1 day)
 - 19/2/17 – 00:01 to 3.30am (1 day)
 - 17/4/17 – 00:01 to 3.30am (1 day)
 - 30/4/17 – 00:01 to 3.30am (1 day)
 - 14/4/17 – 00:01 to 3.30am (1 day)
 - 11/6/17 – 00:01 to 3.30am (1 day)
 - 27/8/17 to 28/8/17 – 00:01 to 3.30am (2 days)
 - 17/9/17 – 00:01 to 3.30am (1 day)

- 1.8 The current Premises Licence permits:
- 1.8.1 **Hours the premises are open to the public:** Sunday to Thursday 10:00 to 00:00 (midnight), Friday to Saturday from 10:00 to 01:00.
 - 1.8.2 **Supply of alcohol (on and off supplies):** Sunday from 10:00 to 22:30, on Monday to Thursday from 10:00 to 23:00, and on Friday and Saturday from 10:00 to 00:00 (midnight).
 - 1.8.3 **Recorded music (Indoors):** Sunday to Thursday 10:00 to 23:30, Friday to Saturday from 10:00 to 00:30.
 - 1.8.4 **Late night refreshment:** Sunday none, on Monday to Saturday from 23:00 to 23:30.
- 1.9 A copy of a location map of the premises is attached as Annex 01.
- 1.10 A copy of the current Premises Licence is attached as Annex 02.

1.0 THIS APPLICATION:

- 1.1 On 11 August 2017, an application was made by Mrs Margaret Michael for a variation of premises licence (LN/200500777). The application seeks:
- 1.1.1 Hours the premises are open to the public: Monday to Wednesday 10:00 to 02:00, Thursday to Friday 10:00 to 03:00.
 - 1.1.2 Supply of alcohol (on the premises): Monday to Wednesday 10:00 to 01:00, Thursday to Sunday 10:00 to 02:00.
 - 1.1.3
 - 1.1.4 Live music (indoors): Friday to Sunday 20:00 to 00:00 (midnight).
 - 1.1.5 Recorded music (indoors): Monday to Wednesday 10:00 to 01:00, Thursday and Sunday 10:00 to 02:00, Friday and Saturday 10:00 to 03:00.
 - 1.1.6 To remove Condition 12 which restricts last entry to the premises to 11pm.
- 1.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 1.3 Each of the Responsible Authorities were consulted in respect of the application.
- 1.4 A copy of the application is attached as Annex 03.

2.0 RELEVANT REPRESENTATIONS:

- 2.1 **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 full extension of hours. A reduction of proposed hours and additional conditions are recommended.

- 2.2 A copy of the representation is attached as Annex 04.
- 2.3 **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, 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 full extension of hours. A reduction of proposed hours and additional conditions are recommended.
- 2.4 A copy of the representation is attached as Annex 5a to 5c.
- 2.5 In response to the representations, the applicant has made a representation, a copy is attached as Annex 6.

3.0 PROPOSED LICENCE CONDITIONS

- 3.1 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 6. No indication of agreement to the conditions has been made by the applicant.

4.0 RELEVANT LAW, GUIDANCE & POLICIES:

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

General Principles:

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are:
- 4.3.1 the prevention of crime and disorder;
- 4.3.2 public safety;
- 4.3.3 the prevention of public nuisance; &
- 4.3.4 the protection of children from harm [Act s.4(2)].
- 4.4 In carrying out its functions, the Sub-Committee must also have regard to:
- 4.4.1 the Council's licensing policy statement; &
- 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Cumulative Impact Policy:

- 4.5 The applicant premises/club premises is not located in any of Enfield's Cumulative Impact Policy Areas.

Hours:

- 6.11 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].
- 6.12 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:

- 6.13 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].
- 6.14 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:
- 6.14.1.1 the steps that are appropriate to promote the licensing objectives;
 - 6.14.1.2 the representations (including supporting information) presented by all the parties;
 - 6.14.1.3 the guidance; and
 - 6.14.1.4 its own statement of licensing policy [Guid 9.37].
- 6.15 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:
- 6.15.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.15.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.15.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.15.4 to reject the application [Act s.18].

Background Papers:

None other than any identified within the report.

Contact Officer:

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