

COMMITTEE :
Licensing Sub-Committee
29 November 2017

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part1	Item
SUBJECT : Application for a New premises licence PREMISES : Oakwood Park Cafe, Pavilion Cafeteria, Oakwood Park, Oakwood Park Road, LONDON, N14 6QB. WARD: Southgate	

1 LICENSING HISTORY:

- 1.1 This premises has not held or applied for any licence or Temporary Event Notice previously.

2 CURRENT POSITION

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

3 THIS APPLICATION:

- 3.1 On 12 October 2017 an application was made by Oakwood Catering Limited for a new Premises Licence for Oakwood Park Cafe, Pavilion Cafeteria, Oakwood Park, Oakwood Park Road, LONDON, N14 6QB.

- 3.2 The application seeks the following:

- Hours the premises are open to the public March to November: 08:00 to 21:00 daily.
- Hours the premises are open to the public December to February: 09:00 to 18:00 daily.
- Supply of alcohol (on supply) March to November: 11:00 to 21:00 daily.
- Supply of alcohol (on supply) December to February: 11:00 to 17:00 daily.

NB. The Winter operating times were established after the initial application was submitted.

- 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 2.

4 RELEVANT REPRESENTATIONS:

- 4.1 **Responsible Authorities:** Conditions were sought by the Police and Licensing Authority, which were agreed by the applicant, therefore the representations were subsequently withdrawn.
- 4.2 **Other Persons:** Representations have been made, against the application, by seven "Other Persons", namely local residents (IP1 to IP7). The grounds of the representations are based on all four of the licensing objectives.
- 4.4 Copies of the representations are attached as Annex 3.
- 4.5 In response to these objections, the applicant has provided a written response which is attached as Annex 4.

5 PROPOSED CONDITIONS

- 5.1 Conditions arising from this application can be seen in Annex 5.

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].

Cumulative Impact Policy:

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

Hours:

- 6.7 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].
- 6.8 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:

- 6.9 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].
- 6.10 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:
- 6.10.1.1 the steps that are appropriate to promote the licensing objectives;
 - 6.10.1.2 the representations (including supporting information) presented by all the parties;
 - 6.10.1.3 the guidance; and
 - 6.10.1.4 its own statement of licensing policy [Guid 9.37].

- 6.11 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:
- 6.11.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.11.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.11.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.11.4 to reject the application [Act s.18].

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

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