

COMMITTEE :
Licensing Sub-Committee
29 November 2017

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part1	Item
SUBJECT : Application for a Variation of a premises licence	
PREMISES : Broadway Food & Wine, 759 Green Lanes, LONDON, N21 3SA.	
WARD : Winchmore Hill	

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/200501010) was transferred to the Premises Licence Holder, Mr Nusret Seker, on 11 July 2016.
- 1.2 Mr Nusret Seker applied to become the DPS at the same as this variation application, which was not subject to any representations and was issued on 16 November 2017.
- 1.3 The premises has not been subject to a review of the licence at any time since 2005.
- 1.4 No Temporary Event Notice applications have been submitted in any year.

2 CURRENT POSITION

- 2.1 Premises Licence LN/200501010 permits:
 - 2.1.1 Hours the premises are open to the public: 24 hours daily.
 - 2.1.2 Supply of alcohol (off supplies): 10:00 to 22:30 Sunday, 08:00 to 23:00 Monday to Saturday.
- 2.1 A copy of a location map of the premises is attached as Annex 1.
- 2.2 A copy of the current Premises Licence is attached as Annex 02.

3 THIS APPLICATION:

- 3.1 On 5 October 2017 an application was made by Mr Nurset Seker for a variation of Premises Licence for Broadway Food & Wine, 759 Green Lanes, LONDON, N21 3SA.
- 3.2 The application seeks to extend the hours of alcohol sales and add conditions, as follows:
- Hours the premises are open to the public: 24 hours daily (no change).
 - Supply of alcohol (off supplies): 08:00 to 02:00 daily.
- 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 3.

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the Police and Licensing Authority, which were agreed by the applicant, therefore the representations were subsequently withdrawn.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 one ward councillor (IP1). The grounds of representation are based on the prevention of public nuisance licensing objective.
- 4.4 A copy of the representation 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/club 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.

Contact Officer :
Ellie Green on 020 8379 8453