

## MUNICIPAL YEAR 2018/19 REPORT NO.

**COMMITTEE:**  
Licensing Sub-Committee  
12 September 2018

**REPORT OF:**  
Principal Licensing Officer

**LEGISLATION:**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT:</b> Variation of Premises Licence Application	
<b>PREMISES:</b> Ambrosia Restaurant, 10 Station Road, Winchmore Hill, LONDON, N21 3RB.	
<b>WARD:</b> Winchmore Hill	

### 1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 The premises are a restaurant on the edge of a commercial parade, on a busy residential road.
- 1.2 On 15 August 2005, an application by **Sargasso Sea Ltd** to convert an existing Justices On Licence to a Premises Licence, which was not subject to any representations, was granted by the Licensing Authority (LN/200501128).
- 1.3 The premises licence has been transferred three times, the last being issued to **Mr Pirnazar Jorayev** on 9/6/2016 who is both the current Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) (since 26/9/2016).
- 1.4 The premises licence has not been subject to any previous reviews, nor has the licence holder applied for any Temporary Event Notices (TENs).
- 1.5 A copy of Part A of the current premises licence (LN/200501128) is attached in Annex 1.

### 2 THIS APPLICATION:

- 2.1 On 19 July 2018, a variation of a premises licence application was submitted by **Mr Pirnazar Jorayev**.

## 2.2 The application seeks:

- To update the plan which will also include the front and rear terraces which will allow sale and consumption of alcohol and late-night refreshment in these areas;
- To modify conditions;
- To amend seasonal variations;
- And to increase licensable times as follows:

Licensable Activities	Existing Hours	Hours Sought by this Variation
Hours the premises are open to the public	From 11:00 to 01:00 Monday to Saturday and 12:00 to 00:30 Sunday.	From 11:00 to 01:00 daily.
Supply of alcohol (on supplies)	From 11:00 to 00:00 (midnight) Monday to Saturday and 12:00 to 23:30 Sunday.	From 11:00 to 00:30 daily.
Supply of alcohol (off supplies)	From 11:00 to 00:00 (midnight) Monday to Saturday and 12:00 to 18:00 Sunday.	From 11:00 to 00:30 daily.
Recorded Music (Indoors)	From 11:00 to 01:00 Monday to Saturday and 12:00 to 00:30 Sunday.	From 11:00 to 01:00 daily.
Late Night Refreshment (Indoors)	From 23:00 to 00:30 Monday to Saturday and 23:00 to 00:00 Sunday.	From 23:00 to 00:30 daily.

2.3 A copy of the application is attached as Annex 2.

## 3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Representation is made on the grounds of the prevention of crime and disorder. The authority considers that it is appropriate, for the promotion of the licensing objectives, to seek additional conditions.
- 3.2 A copy of the representation is attached as Annex 3.
- 3.3 **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. The authority considers that it is appropriate, for the promotion of the licensing objectives, to seek additional conditions.

- 3.4 A copy of the representation is attached as Annex 4.
- 3.5 **Other Persons:** Representation has been made, against the application, by a local resident, who is referred to as IP1. The grounds of representation include the prevention of crime & disorder and the prevention of public nuisance.
- 3.6 A copy of the representation is attached as Annex 5.

#### **4 PROPOSED LICENCE CONDITIONS:**

- 4.1 The conditions arising from this application are attached as Annex 6. At the time of writing this report, the conditions proposed by the Responsible Authorities had not been agreed by the applicant.

#### **5 RELEVANT LAW, GUIDANCE & POLICIES:**

- 5.1 The paragraphs below are extracted from either:
- 5.1.1 the Licensing Act 2003 ('Act'); or
  - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guide'); or
  - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').
- 5.2 **General Principles:**
- 5.2.1 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
  - 5.2.2 The licensing objectives are:
    - 5.2.3 the prevention of crime and disorder;
    - 5.2.4 public safety;
    - 5.2.5 the prevention of public nuisance; &
    - 5.2.6 the protection of children from harm [Act s.4(2)].
- 5.3 In carrying out its functions, the Sub-Committee must also have regard to:
- 5.3.1 the Council's licensing policy statement; &
  - 5.3.2 guidance issued by the Secretary of State [Act s.4(3)].

#### **Cumulative Impact Policy:**

- 5.4 The premises is not located in one of Enfield's Cumulative Impact Policy Areas.

## **Hours:**

- 5.5.1 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].
- 5.5.2 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:**

- 5.6 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].
- 5.7 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:
- the steps that are appropriate to promote the licensing objectives;
  - the representations (including supporting information) presented by all the parties;
  - the guidance; and
  - its own statement of licensing policy [Guid 9.37].

- 5.8 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:
- to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - to reject the application [Act s.18].

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

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