

MUNICIPAL YEAR 2018/19 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
3 October 2018

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003

| Agenda - Part | Item |
|---|------|
| SUBJECT: Application for a new premises licence – Oktoberfest | |
| PREMISES: Enfield Town Park, Cecil Road, ENFIELD, EN2 6LE. | |
| WARD: Grange | |

1. LICENSING HISTORY:

- 1.1 On 8 November 2006, the London Borough of Enfield Parks Department was granted a new Premises Licence (LN/200600568), which permits the following activities between 7am and 11pm daily: open, plays, films, indoor sporting events, boxing/wrestling entertainment, live music, recorded music, performance of dance, facilities for making music, and facilities for dancing.
- 1.2 On 19 February 2018, Show Time Events Group Ltd, Suite 3 Doddridge Centre, 109 St James Road, Northampton, NN5 5LD was granted a new Premises Licence (LN/201700871). This premises licence was time restricted, namely for an event on Saturday 21 and Sunday 22 July 2018, and it permitted the following activities: open and sale of alcohol 11am to 11pm – Saturday, and 11am to 9pm on Sunday.

2 THIS APPLICATION:

- 2.1 On 13 August 2018 an application was made by **Mutiny In The Park Limited** for a **new Premises Licence** for Enfield Town Park.
- 2.2 The proposed Designated Premises Supervisor (DPS) is named as Mr Martin Barker.
- 2.3 The application seeks:
- 2.3.1 The premises licence to be limited for two consecutive days during October, each year. For example, this year, the event will be held on Friday 26 and Saturday 27 October 2018.
- 2.3.2 The maximum capacity will not exceed 5,000.
- 2.3.3 **Hours the premises are open to the public:** 12:00 to 23:30.

- 2.3.4 **Supply of alcohol (on supplies only):** 12:00 to 23:00.
- 2.3.5 **Live music (indoor and outdoor):** 12:00 to 23:00.
- 2.3.6 **Recorded music (indoor):** 12:00 to 23:00.
- 2.3.7 **Performance of Dance (indoor):** 12:00 to 23:00.
- 2.3.8 **Films (indoor):** 12:00 to 23:00.
- 2.3.9 **Late night refreshment (outdoor):** 12:00 to 23:00.

- 2.4 Each of the Responsible Authorities were consulted in respect of the application.
- 2.5 The applicant provided a summary of the Event Management Plan for the residents on 20 September 2018, which was circulated to all IPs.
- 2.6 A copy of the application, including this summary is attached as Annex 1.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Other Persons:** Representations have been made, against the application, by six residents, and are referred to as IP1 to IP6. The grounds of representation include the prevention of crime & disorder; the prevention of public nuisance: public safety and the prevention of children from harm.
- 3.2 Copies of these IP representations, including any responses to the summary of the Event Management Plan, are attached as Annex 2 to 7.
- 3.3 The Metropolitan Police did not make representations in respect of this application.
- 3.4 The Licensing Authority made representations in respect of this application, namely seeking modification of a condition. The applicant has agreed that condition, and subsequently the representation has been withdrawn.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The condition arising from this application is attached as Annex 8.

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 April 2017 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are:
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Time Limited Licence:

- 5.6 The procedures for applying for and granting such a licence are identical to those for an unlimited duration premises licence [Guid 5.26].

Significant Events:

- 5.7 The Council recommends that for significant events, a comprehensive risk assessment is undertaken by premises licence holders to ensure that matters related to the licensing objectives are identified and addressed. [Pol 14.1]

Hours:

- 5.8 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 [Guid 10.13].
- 5.9 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].

Advertising applications

- 6.1 The Licensing Authority is satisfied that the application was advertised in accordance with the requirements of the Licensing Act 2003.

Decision:

- 7.1 As a matter of practice, the Sub-Committee 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 [Guid 9.37].
- 7.2 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:
 - 7.2.1 the steps that are appropriate to promote the licensing objectives;
 - 7.2.2 the representations (including supporting information) presented by all the parties;
 - 7.2.3 the guidance; and
 - 7.2.4 its own statement of licensing policy [Guid 9.38].
- 7.3 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:
 - 7.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 7.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 7.3.3 to refuse to specify a person in the licence as the premises supervisor;
 - 7.3.4 to reject the application [Act s.18].

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

Contact Officer:
Ellie Green on 020 8379 8543