

MUNICIPAL YEAR 2018/19 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
13 March 2019

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|---------------|---|
| | SUBJECT: Application for a variation of a premises licence |
| | PREMISES: Hop Poles Public House, Public House, 320 Baker Street, ENFIELD, EN1 3LH. |
| | WARD: Chase |

1. LICENSING HISTORY:

- 1.1 On 16 February 2006, an application by **Mr Kenneth O'Hara** 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/200502201).
- 1.2 The premises licence has been transferred four times since, and the Premises Licence Holder is now **Star Pubs & Bars Pubs Ltd, 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ** (since 11 June 2014) and the current Designated Premises Supervisor (DPS) is **Mr Michael Kirby** (since 4 April 2017).
- 1.3 The premises licence has not been subject to any reviews under the current or previous premises licence holders.
- 1.4 In the last year, Mr Michael Kirby was granted six Temporary Event Notices (TENs) to extend the hours from midnight to 2am for supply of alcohol, regulated entertainment and late night refreshment (LNR) on:

24 – 25 November 2018
1 – 2 December 2018
8 – 9 December 2018
15 – 16 December 2018
22 – 23 December 2018
29 – 30 December 2018

These TENs were not subject to any objection.

- 1.5 A copy of Part A of the current premises licence (LN/200502201) is attached in Annex 1.

2 THIS APPLICATION:

2.1 On 24 January 2019 an application was made by **Star Pubs & Bars Ltd** for a variation of premises licence LN/200502201.

2.2 The application seeks:

| Activity | Current Times | Applied for Times |
|--------------------------------|---|--|
| Supply of Alcohol (on and off) | 10:00 – 23:00 Mon – Wed 10:00 – 00:00 – Thurs – Sat 12:00 – 22:30 Sun | 10:00 – 00:00 Sun – Thurs 10:00 – 02:00 Fri - Sat |
| Recorded Music | 00:00 – 00:00 everyday | No change |
| Live Music | 09:00 – 23:00 Mon – Wed 09:00 – 00:00 Thurs – Sat | 09:00 – 00:00 Sun – Thurs 09:00 – 02:00 Fri – Sat |
| Performance of Dance | 09:00 - 23:00 Mon – Wed 09:00 – 00:00Thurs - Sat | No change |
| Late Night Refreshment | 23:00 – 23:00 Mon – Wed 23:00 – 00:30 Fri - Sat | 23:00 – 23:30 Sun Rest – no change |
| Opening hours | 00:00 – 00:00 everyday | No change |

2.3 Plus to add the following non-standard timings:

2.3.1 New Year's Eve - From the end of permitted hours on New Year's Eve to the start of permitted hours on New Yea/s Day

2.3.2 An additional hour to the standard and non-standard times on the day when British Summertime commences

2.4 Each of the Responsible Authorities were consulted in respect of the application.

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

3 RELEVANT REPRESENTATIONS:

3.1 **Metropolitan Police:** Representation is made on the grounds of representation of the prevention of crime & disorder. The authority considers that it is appropriate, for the promotion of the licensing objectives, to object to the full hours sought and seeks to modify the conditions.

3.2 A copy of the Police 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 crime and disorder, prevention of public nuisance 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 hours sought and seeks to modify the conditions.
- 3.4 A copy of the Licensing Authority representation and supporting documents is attached as Annex 4.
- 3.5 **Other Persons:** Representations have been made by four local residents, three against the application, and one in support. These local residents are referred to as IP1 to IP4 respectively. The grounds of representation include the prevention of crime & disorder and the prevention of public nuisance.
- 3.6 Copies of the representations against the application are attached as Annex 5 to Annex 7 respectively.
- 3.7 A copy of the representation supporting the application is attached as Annex 8.
- 3.8 It should be noted that a further representation from another resident was received after the consultation period had closed, so cannot be included as a valid representation. However, a redacted version was sent to the applicant for their information only.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this application are attached as Annex 9. At the time this report was prepared, the applicant had not indicated whether there was any agreement to any of the conditions sought by the Responsible Authorities.

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)].

Hours:

- 5.5 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].
- 5.6 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:

- 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 :

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