

MUNICIPAL YEAR 2019/20 REPORT NO.27

COMMITTEE:
Licensing Sub-Committee
19 June 2019

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part1	Item
SUBJECT: Application for a Variation of a Premises Licence	
PREMISES: The Penridge Suite, 470 Bowes Road, N11 1NL	
WARD: Southgate Green	

1 LICENSING HISTORY:

- 1.1 On 16 August 2005, an application by **Kriselis Leisure Limited** 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/200501167).
- 1.2 Mr Kyriacos Pitsielis has been the named Designated Premises Supervisor (DPS) since 16 August 2005.
- 1.3 In October 2006, a variation application was submitted but subsequently withdrawn.
- 1.4 In May 2009, the premises licence holder applied to vary the premises licence, to add on live music and performance of dance, to match the existing recorded music hours. There were seven resident objections. The Licensing Sub-Committee granted the application in part, namely granting the full times and activities sought and modifying conditions.
- 1.5 On 6 December 2006, Mr Kyriacos Pitsielis applied to transfer the licence. This was granted and was not subject to any representations.
- 1.6 Premises licence (LN/200501167) has not been subject to any review application.
- 1.7 The most recent Temporary Event Notice (TEN) was in 2014.
- 1.8 A map of the area is attached as Annex 1.
- 1.9 A copy of the existing premises licence is attached as Annex 2.

2.0 THIS APPLICATION:

- 2.1 On 17 April 2019 an application was made by **Mr Kyriacos Pitsielis** to vary the premises licence, namely, to extend the licensable hours.

2.2 The table below shows the existing times and licensable activities, and the final column in bold shows the most up to date hours sought by the application:

Activity	Current Times	Originally Applied for Times	Amended Times following applicant's agreement to Licensing Authority proposals
Supply of Alcohol (on)	11:00 – 00:00 Mon – Sat 12:00 – 23:30 Sun	No change Mon – Thurs 11:00 – 02:00 Fri – Sat 11:00 – 01:00 Sun	11:00 – 22:30 Mon – Thurs 11:00 – 01:30 Fri – Sat 11:00 – 00:30 Sun (Plus Non-Standard Timings 1)
Recorded Music	24 hours	12:00 – 23:00 Mon – Thurs 12:00 – 02:00 Fri – Sat 12:00 – 01:00 Sun	12:00 – 23:00 Mon – Thurs 12:00 – 01:30 Fri – Sat 12:00 – 00:30 Sun (Plus Non-Standard Timings 1)
Live Music	12:00 – 22:45 Sun – Thurs 12:00 – 23:45 Fri – Sat	12:00 – 23:00 Mon – Thurs 12:00 – 02:00 Fri – Sat 12:00 – 01:00 Sun	12:00 – 23:00 Mon – Thurs 12:00 – 01:30 Fri – Sat 12:00 – 00:30 Sun (Plus Non-Standard Timings 1)
Performance of Dance	12:00 – 22:45 Sun – Thurs 12:00 – 23:45 Fri – Sat	12:00 – 23:00 Mon – Thurs 12:00 – 02:00 Fri – Sat 12:00 – 01:00 Sun	12:00 – 23:00 Mon – Thurs 12:00 – 01:30 Fri – Sat 12:00 – 00:30 Sun (Plus Non-Standard Timings 1)
Films	Unlicensed	10:00 – 22:00 Mon – Thurs 10:00 – 00:00 Fri – Sat	10:00 – 22:00 Mon – Thurs 10:00 – 00:00 Fri – Sat (Plus Non-Standard Timings 2)
Late Night Refreshment	23:00 – 00:30 Mon – Sat 23:00 – 00:00 Sun	No change	None Mon – Thurs No change Fri – Sun
Opening Hours	00:00 – 00:00 everyday	No change	08:00 – 23:00 Mon – Thurs 08:00 – 02:00 Fri – Sat 08:00 – 01:00 Sun

Non-Standard Timings 1:

Good Friday: 12:00 to 02:00

Greek Orthodox Greek Friday: 12:00 to 02:00

New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day

Non-Standard Timings 2:

Cease by 00:00 hours on Christmas Eve, Christmas Day & Boxing Day, and 01:00 on New Year's Eve.

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

2.4 A copy of the application and supporting information is attached as Annex 3.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 **Other Persons:** Representations have been made, against the application, by ten local residents, who live in the surrounding area, in Falkland Avenue, Brunswick Park Road and Waterfall Road. The residents are supported by their ward councillor, Cllr Daniel Anderson. The residents are referred to as IP1 to IP10. The grounds of representation include the prevention of crime & disorder and the prevention of public nuisance.
- 3.2 Copies of these IP representations are attached in Annex 4.
- 3.3 The Licensing Authority (on behalf of Enfield's Licensing Enforcement Team and was made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board) submitted a representation to the original application, namely objecting to the full hours sought. Reduced times and activities were proposed, and the applicant agreed, therefore the Licensing Authority representation was withdrawn.
- 3.4 No other Responsible Authorities made a representation to this application.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1 Conditions arising from this application and unopposed by the Responsible Authorities are attached in Annex 5.

5.0 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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