

**COMMITTEE:**  
**Licensing Sub-Committee**  
**7 August 2019**

**REPORT OF :**  
**Principal Licensing Officer**

**LEGISLATION :**  
**Licensing Act 2003**

<b>Agenda - Part</b>	<b>Item 3</b>
<b>SUBJECT:</b> <b>Application for a New Premises Licence</b>	
<b>PREMISES:</b> <b>VBO LOUNGE &amp; BAR RESTAURANT, 1-3 NORTHAMPTON ROAD, ENFIELD, EN3 7UL.</b>	
<b>WARD:</b> <b>Ponders End</b>	

## **1 LICENSING HISTORY:**

- 1.1 On 22 November 2005, an application by Pubs 'n' Bars Plc 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/200501718).
- 1.2 The premises was then known as The Granville pub. It was permitted to be open, sell alcohol and provide regulated entertainment between 9am and 1am latest.
- 1.3 The premises licence has since been transferred four times.
- 1.4 The premises has been known as Black and White, The Village and Boodzys Bar.
- 1.5 The premises licence has not been subject to any review application.
- 1.6 Since 26 November 2011, following a variation application, the premises licence permitted opening between 7am and 3.30am, and the supply of alcohol until 2.30am and regulated entertainment until 2am latest. The variation application was subject to representation by the Police and Trading Standards, which were subsequently withdrawn when their times and conditions sought were agreed by the applicant.
- 1.7 The premises licence lapsed when the premises licence holder, A Class Above Events & Hospitality Services Limited dissolved on 4 July 2017.
- 1.8 Mr Kudakwashe Marshall Zinhu has applied for and been granted the following Temporary Event Notices:
  - 8pm on 12 July 2019 to 6am on 14 July 2019;
  - 8pm on 19 July 2019 to 6am on 22 July 2019;
  - 8pm on 2 August 2019 to 6am on 5 August 2019.

## **2.0 THIS APPLICATION:**

- 2.1 On 12 June 2019 an application was made by Vickbenok Limited for a new premises licence.
- 2.2 The Directors of Vickbenok Limited are Victor Ben-Okoh, and Carolyn Branson.
- 2.3 The proposed Designated Premises Supervisor is Mr Kudakwashe Marshall Zinhu.
- 2.4 The application seeks:

<b>Activity</b>	<b>Times originally sought by application</b>	<b>Amended Times following agreement to Police and LA representations</b>
<b>Opening hours</b>	09:00 – 05:00 Mon 09:00 – 02:00 Tues - Thurs 09:00 – 04:00 Fri 09:00 – 06:00 Sat - Sun	<b>09:00 – 02:00 Sun - Thurs</b> <b>09:00 – 04:00 Fri - Sat</b>
<b>Live Music*</b>	23:00 – 06:00 Everyday	<b>23:00 – 01:30 Sun – Thurs</b> <b>23:00 – 03:30 Fri – Sat</b>
<b>Recorded Music*</b>	23:00 – 06:00 Everyday	<b>23:00 – 01:30 Sun – Thurs</b> <b>23:00 – 03:30 Fri – Sat</b>
<b>Late Night Refreshment</b>	23:00 – 05:00 Mon 23:00 – 02:00 Tues – Thurs 23:00 – 04:00 Fri 23:00 – 06:00 Sat - Sun	<b>23:00 – 01:30 Sun - Thurs</b> <b>23:00 – 03:30 Fri – Sat</b>
<b>Supply of alcohol (on)</b>	11:00 – 05:00 Mon 11:00 – 02:00 Tues – Thurs 11:00 – 04:00 Fri 11:00 – 06:00 Sat - Sun	<b>11:00 – 01:30 Sun - Thurs</b> <b>11:00 – 03:30 Fri – Sat</b>

- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the application is attached as Annex 1.

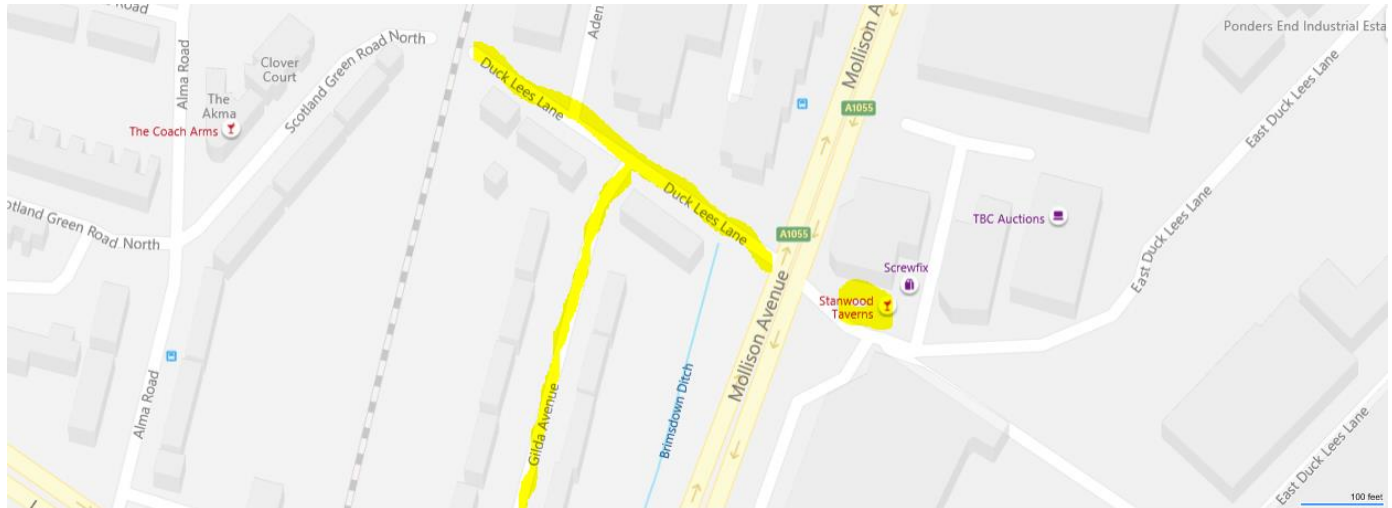
### **3.0 RELEVANT REPRESENTATIONS:**

- 3.1 **The Licensing Authority and Metropolitan Police:** Representations were made seeking modification in conditions and reduction in hours, which were agreed by the applicant. Those representations have now been withdrawn.
- 3.2 **Other Persons:** Representations have been made, against the application, by 20 local residents. The residents are referred to as IP1 to IP20 respectively. The grounds of representation are based on all four of the licensing objectives: prevention of crime and disorder, prevention of public

nuisance, public safety and protection of children from harm. Please note that in light of the amended times and conditions brought to the attention of the residents, IP10 has now withdrawn their representation.

3.3 Copies of these IP representations are attached in Annex 2.

3.4 All residents live in either Gilda Avenue or Duck Lees Lane, which have been highlighted on the map below. The premises is situated where it has been highlighted 'Stanwood Taverns'.



3.5 The applicant has provided a response to the objections and is attached in Annex 3.

#### 4.0 PROPOSED LICENCE CONDITIONS:

4.1 The conditions arising from this application can be found in Annex 4.

#### 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.**

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