

MUNICIPAL YEAR 2019/20 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
2 October 2019

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
	SUBJECT: Application for a Variation of a Premises Licence
	PREMISES: Darji Mitra Mandal of the UK Centre, Hindu Community Centre, 26 Oakthorpe Road, LONDON, N13 5JL.
	WARD: Palmers Green

1 LICENSING HISTORY:

- 1.1 On 13 June 2006, a new premises licence application by **Darji Mitra Mandal of UK**, which was not subject to any representations, was granted by the Licensing Authority (LN/200600207).
- 1.2 Mr Prataprao Thakordas Chikhliia has been the named Designated Premises Supervisor (DPS) since 10 September 2014.
- 1.3 The most recent Temporary Event Notice (TEN) was in New Year's Eve 2017 into New Year's Day 2018.
- 1.4 The licence has not been subject to any review action.
- 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 22 May 2019 an application was made by **Darji Mitra Mandal of UK** to vary the premises licence, namely, to extend the licensable hours.

2.2 This application had to restart a number of times, to ensure that the advertising requirements were met. In the meantime, the Licensing Authority had considered the original application, and proposed amended licensing times which the applicant agreed. When the consultation restarted on 7 August 2019, the applicant amended the variation application to include the timings proposed by the Licensing Authority. 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 Hours	Hours Applied	Hours Applied for As Amended (agreed with Licensing Authority)
Open to the Public	08:00 – 23:30 Sun– Thurs 08:00 – 00:00 Fri-Sat	08:00 – 00:30 Mon – Thurs 08:00 – 01:30 Fri – Sun	08:00 – 00:00 Sun - Thurs 08:00 – 00:30 Fri – Sat
Alcohol (on sales)	19:00 – 23:00 Sun 19:00 – 23:30 Fri - Sat	11:00 – 00:00 Mon – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Sun - Thurs 11:00 – 00:00 Fri - Sat
Indoor Sporting Events	19:00 – 23:00 Fri	No change	No change
Live Music	Mon – Thurs not licensed 20:00 – 23:30 Fri – Sat 20:00 – 23:00 Sun	11:00 – 00:00 Mon – Thurs 11:00 – 01:00 Fri - Sun	11:00 – 23:30 Sun – Thurs 11:00 – 00:00 Fri - Sat
Recorded Music	Not licensed	11:00 – 00:00 Mon – Thurs 11:00 – 01:00 Fri - Sun	11:00 – 23:30 Sun – Thurs 11:00 – 00:00 Fri - Sat
Performance of Dance	Mon – Thurs not licensed 20:00 – 23:30 Fri – Sat 20:00 – 23:00 Sun	11:00 – 00:00 Mon – Thurs 11:00 – 01:00 Fri - Sun	11:00 – 23:30 Sun – Thurs 11:00 – 00:00 Fri - Sat

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

2.4 A copy of the application is attached as Annex 3 (timings in application to be ignored – use table above).

3.0 RELEVANT REPRESENTATIONS:

3.1 **Other Persons:** Representations have been made, against the application, by 11 local residents, who live in the surrounding area, in Oakthorpe Road, Chimes Avenue, Ecclesbourne Gardens and Grove Road. The residents are referred to as IP1 to IP111. The grounds of representation are based on all four of the licensing objectives not being met.

3.2 Copies of these IP representations are attached in Annex 4.

3.3 The applicant has advised that they will be responding to the representations, which will be provided in a supplementary report.

3.4 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 modification to conditions. The applicant agreed, therefore the Licensing Authority representation was withdrawn.

3.5 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.

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