

## MUNICIPAL YEAR 2019/20 – Report No: 153

**COMMITTEE:**  
Licensing Sub-Committee  
27 November 2019

**REPORT OF:**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

<b>Agenda – Part 1</b>	<b>Item 3</b>
<b>SUBJECT:</b> Application for a Variation of a Premises Licence	
<b>PREMISES:</b> THE QUEENS HEAD, 41-43 STATION ROAD, WINCHMORE HILL, LONDON, N21 3NB.	
<b>WARD:</b> Winchmore Hill	

### 1. LICENSING HISTORY:

- 1.1 On 29 September 2005 applications by Mr Robert McArthur to convert an existing Justices 'On' Licence to a Premises Licence (LN/200502151) and to simultaneously vary that licence, which were not subject to any representations, were granted by officers in accordance with delegated authority.
- 1.2 On 22 December 2009 an application by Enterprise Inns Plc for transfer of the Premises Licence (LN/200502151), which was not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.3 On 31 March 2010 an application by Ms Susan Ritchie for transfer of the Premises Licence (LN/200502151), which as not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.4 On 10 September 2010, Trading Standards (on behalf of Licensing Enforcement) submitted a review application, namely, to seek limitations to the beer garden, such as reducing the hours so that the beer garden could only be used to 9pm, and that only 10 smokers could use the garden for that purpose thereafter.
- 1.5 At the subsequent hearing on 17 November 2010, the Licensing Sub-Committee (LSC) resolved to reduce the hours of the beer garden as sought and modify the conditions.
- 1.6 The Decision Notice from 17 November 2010 hearing is attached as Annex 1.
- 1.7 The full agenda, report and minutes from the review application heard by the LSC on 17 November 2010 is available on the council's website, follow the link [here](#) or

<https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=7059&Ver=4>.

- 1.8 On 17 August 2017, an application by Bermondsey Pub Company Limited for transfer of the Premises Licence (LN/200502151), which as not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.9 The Companies House records show the named directors of Bermondsey Pub Company Limited are James Croft, Neil Smith, William Townsend (correct as of check carried out on 18 November 2019).
- 1.10 On 16 April 2019, an application by Bermondsey Pub Company Limited to vary the Designated Premises Supervisor to Mr Steven Lambert on Premises Licence (LN/200502151), which as not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.11 A map of the area is produced in Annex 2.
- 1.12 A copy of the current premises licence (LN/200502151) is produced in Annex 3.

## **2.0 THIS APPLICATION:**

- 2.1 On 24 September 2019 an application was made by Bermondsey Pub Company Limited for a variation of the premises licence (LN/200502151).
- 2.2 The application seeks to remove Condition 3 of the existing licence, and to add a replacement condition to permit the use of beer garden until 22.30 Monday to Saturday, and until 22:00 on Sunday.
- 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 4.

## **3.0 RELEVANT REPRESENTATIONS:**

- 3.1 **Responsible Authorities (including the Licensing Authority and Metropolitan Police):** No representations were made.
- 3.2 **Other Persons:** Representations have been made, against the application, by 15 local residents. The residents are referred to as IP1 to IP15 respectively. The grounds of representation are based on the following licensing objectives: prevention of crime and disorder, prevention of public nuisance and protection of children from harm.

- 3.3 Copies of these IP representations are attached in Annex 5.
- 3.4 All residents live in one of the following roads: Compton Road, Roseneath Avenue, Station Road.
- 3.5 The Licensing Team cascaded to the local residents, who submitted representations, the applicant's invitation to attend a meeting at the premises at 7.30pm on Monday 11 November 2019 to discuss their concerns.

#### **4.0 PROPOSED LICENCE CONDITIONS:**

- 4.1 The conditions arising from this application can be found in Annex 6.

#### **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:**

- 6.1 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].
- 6.2 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:
  - 6.2.1 the steps that are appropriate to promote the licensing objectives:
  - 6.2.2 the representations (including supporting information) presented by all the parties;
  - 6.2.3 the guidance; and
  - 6.2.4 its own statement of licensing policy [Guid 9.38].
- 6.3 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:
  - 6.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 6.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 6.3.3 to reject the application [Act s.18].

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

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