

## MUNICIPAL YEAR 2020/21

**COMMITTEE:**  
Licensing Sub-Committee  
23 September 2020

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda – Part1	Item
<b>SUBJECT:</b> Application for a New Premises Licence	
<b>PREMISES:</b> RUBYS, UNIT C7, ANGEL ROAD WORKS, ADVENT WAY, LONDON, N18 3BH	
<b>WARD:</b> Edmonton Green	

### 1 LICENSING HISTORY:

1.1 This premises was previously an unlicensed warehouse unit and has also been used as a laundry.

### 2.0 THIS APPLICATION:

2.1 On 30 July 2020 an application was made by Ruby's TJJ Limited for a new premises licence.

2.2 The Director of Ruby's TJJ Limited is Malumueni Lusadis, and the company was incorporated on 19 June 2020.

2.3 The proposed Designated Premises Supervisor is also Malumueni Lusadis.

2.4 The application seeks:

**Table 1**

Activity	Hours Applied For	Amended Times following mediation with the Licensing Authority
<b>Opening hours</b>	10:00 – 05:00 Mon - Sun	Function Room: 10:00 – 02:00 Mon – Thurs 10:00 – 04:00 Fri – Sat 10:00 – 03:00 Sun Bar and Restaurant: 18:00 – 02:00 Mon – Thurs 18:00 – 04:00 Fri – Sat 18:00 – 03:00 Sun
<b>Live Music Recorded Music Performance of Dance</b>	10:00 – 04:30 Mon - Sun	Function Room: 10:00 – 01:30 Mon – Thurs 10:00 – 03:30 Fri – Sat 10:00 – 02:30 Sun Bar and Restaurant: 18:00 – 01:30 Mon – Thurs 18:00 – 03:30 Fri – Sat 18:00 – 02:30 Sun

<b>Late Night Refreshment</b>	23:00 – 04:30 Mon - Sun	23:00 – 02:00 Mon – Thurs 23:00 – 04:00 Fri – Sat 23:00 – 03:00 Sun
<b>Supply of alcohol (on)</b>	10:00 – 04:30 Mon - Sun	Function Room: 10:00 – 01:30 Mon – Thurs 10:00 – 03:30 Fri – Sat 10:00 – 02:30 Sun  Bar and Restaurant: 18:00 – 01:30 Mon – Thurs  18:00 – 03:30 Fri – Sat 18:00 – 02:30 Sun

- 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.
- 2.7 The premises is not located within one of Enfield’s Cumulative Impact Policy areas.

**3.0 RELEVANT REPRESENTATIONS:**

- 3.1 **Metropolitan Police:** Representations were made objecting to the application in its entirety, on the grounds that the licensing objectives Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance are not met. At the time of writing this report, the Police are concerned that the intention of the premises is to operate as a nightclub, and that the applicant has withheld this information from the application. Further mediation is underway between the Police and the applicant. A copy of the Police representation and supporting documents are in Annex 2.
- 3.2 If the Police are satisfied that the applicant/application will uphold the licensing objectives, the Police seek the following operational times (not agreed by the Applicant):

**Table 2**

<b>Activity</b>	<b>Proposed Time</b>	<b>Recommended Times</b>
<b>Opening hours</b>	10:00 – 05:00 Mon - Sun	10:00 – 02:00 Mon - Sun
<b>Live Music Recorded Music Performance of Dance</b>	10:00 – 04:30 Mon - Sun	10:00 – 02:00 Mon - Sun
<b>Late Night Refreshment</b>	23:00 – 04:30 Mon - Sun	23:00 – 02:00 Mon - Sun
<b>Supply of alcohol (on)</b>	10:00 – 04:30 Mon - Sun	10:00 – 01:30 Mon - Sun

- 3.3 The Police also seek modifications to the Conditions which can be seen in their representation and are also set out in Annex 4.

3.4 **The Licensing Authority:** Representations were made seeking modification in conditions and reduction in hours, which were agreed by the applicant. This representation has now been withdrawn.

**Other Persons:** Representations have been made, against the application, by three local businesses all based on Angel Road Works. The businesses are referred to as IP1 to IP3 respectively. The grounds of representation are based on the licensing objectives, prevention of crime and disorder, prevention of public nuisance, and public safety. Copies of these IP representations are attached in Annex 3.

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

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

4.2 The Licensing Authority and the Applicant have agreed the conditions set out in Annex 4 in the normal font. The Police have proposed conditions, should the application be granted. Those Police conditions are presented in *italics*, and at the time of writing this report, have not been agreed by the Applicant. Some conditions which have been agreed by the Licensing Authority are similar to those proposed by the Police, therefore when determining the conditions (if applicable), the Licensing Sub-Committee are minded to choose either option (A) the Licensing Authority conditions (in normal font), or (B) *the Police condition (in italics)*.

#### 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 The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives. [Pol s.8.1].
- 5.7 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise. [Pol s.8.2].
- 5.8 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].
- 5.9 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 licensed 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. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received, and a hearing takes place. [Pol s.8.4].
- 5.10 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work. [Pol s.8.5].

**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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