

MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
3 August 2022

REPORT OF :
Licensing Team

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT: Application for a New Premises Licence	
PREMISES: Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP	
WARD: Palmers Green	

1 LICENSING HISTORY:

- 1.1 This premises has previously operated as Kulfonik, a Polish convenience store, and more recently, Euro Market, a grocery store.
- 1.2 This premises is already authorised under the Licensing Act 2003, as premises licence LN/201100167 is in place, but is currently suspended as the annual fee has not been paid since 14/06/2021. The premises licence holder is Ms Kinga Garlinska and Ms Diana Siemieniuk is the named Designated Premises Supervisor (DPS). The premises licence authorised the sale of alcohol, off supply only, between the hours of 9am and 11pm daily. A copy of Part A of the premises licence is attached as Annex 1.
- 1.3 Premises licence LN/201100167 was first issued on 21 July 2011, when it was known as Kulfonik. The new premises licence application was subject to representations and therefore the application was determined by the Licensing Sub-Committee at a hearing on 15 June 2011. The Police and Licensing Authority had submitted representations initially, namely seeking conditions, which the applicant later agreed; therefore, those representations were withdrawn. Local residents, nine in total, objected on the grounds of representation include crime & disorder and public nuisance.
- 1.4 The Decision Notice, attached in Annex 2, shows that the premises licence application was granted in full. The full licensing committee report for this hearing can be found online at <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=7516> .
- 1.5 It is legally possible for a premises to have more than one premises licence. However, if that premises licence is no longer used, it should be surrendered. The Licensing Team have advised Ms Garlinska.
- 1.6 Premises licence LN/201100167 has not been subject to any licence review.

2.0 THIS APPLICATION:

- 2.1 On 13 June 2022 an application was made by Toto Lounge & Bar Ltd for a new premises licence at a premises described as “Restaurant Café/Coffee Shop”.
- 2.2 It is noted that the Companies House (correct of 20 July 2022) presents the following information:
- The company is registered to the same address: 74 Aldermans Hill, Palmers Green, London, United Kingdom, N13 4PP. Note that the address given in the application is different to the Companies House record.
 - Toto Lounge & Bar Ltd was incorporated on 4 December 2020;
 - The company number is 13062445;
 - Classified as “Retail sale in non-specialised stores with food, beverages or tobacco predominating”;
 - The only director is Alfons Prifti, Nationality: Albanian, Born in 1991.
 - This information can be found online here: <https://find-and-update.company-information.service.gov.uk/company/13062445>
- 2.3 This application seeks:

Table 1

Activity	Proposed Times
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday

- 2.4 The proposed DPS is Mr Alfous Prifti, note this is a different spelling to that on the Companies House record. It would be helpful to have this clarified.
- 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 3.
- 2.7 The premises is not located within one of Enfield’s Cumulative Impact Policy areas.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** No representations were made to the application.
- 3.2 **The Licensing Authority:** Representations were made to the application under the licensing objectives Protection of Children from harm, Prevention of Nuisance and Prevention of crime and disorder. The Licensing Authority originally sought conditions on the representation dated 20 June 2022 but

later amended the representation on 12 July 2022, as can be seen in the Additional Information, namely, to reduce the licensable times sought.

- 3.3 The licensing agent, FSL Business Consultants, responded on 14 July 2022, stating the conditions from the first representation (20 June 2022) were agreed. No mention was made regarding the amended representation and the reduction of hours, and this has been followed up on with FSL Business Consultants. The Licensing Authority seek a reduction in the hours sought, (which is not agreed by the applicant/no response from applicant) as follows:

Table 2

Activity	Proposed Times by Applicant	Licensing Authority proposed times – as amended
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday	10am to 23:30 daily
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday	23:00 to 23:30 daily
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday	8am to midnight daily

- 3.4 A copy of the Licensing Authority representation and Additional Information is presented in Annex 4.
- 3.5 **Other Parties:** Representations have been made, against the application, by persons living or working at 11 (eleven) in surrounding roads, namely Aldermans Hill, Forestdale, Grovelands Road, Lakenheath and Lakeside Road. The grounds of representation are based on all four of the licensing objectives. Each “Other Party” is referred to as IP1, IP1 and so on. The Other Party representations are presented in Annex 5. The applicant has not responded in writing to the Other Party representations.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this application can be found in Annex 6. These conditions have been agreed between the applicant and the Licensing Authority or were offered by the applicant in the Operating Schedule of the application.

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 2018 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('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)].

6.0 Hours:

- 6.1 The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].
- 6.2 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].
- 6.3 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].

- 6.4 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].

Planning:

6.5 The Council refused planning permission for the proposed change of use of outbuilding at rear to Use Class E (Office) involving single storey rear extension and rear dormers with front rooflights together with alterations to fenestrations to front and rear elevations (ref. 21/02413/FUL). However, this was allowed at appeal, subject to conditions on 7 June 2022. Attached in Annex 7 is the appropriate appeal decision.

6.6 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. [Pol 17.1]

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 reject the application [Act s.18].

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

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