

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 10 MAY 2017**

COUNCILLORS

PRESENT (Chair) Chris Bond, George Savva MBE and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), PC Martyn Fisher (Police Licensing Officer), Antonia Mankanjuola (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Ms Anne-Marie Hunt, Designated Premises Supervisor, The Lamb P.H.
Mr Colin Brown, Area Manager, Stonegate Pub Co. Ltd.
Ms Clare Eames and Ms Helen Cardy, Poppleston Allen Solicitors, for Stonegate Pub Co. Ltd.
Mr Mansur Duzgun and business partner, Applicant, Kalamis Fish Restaurant

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WELCOME AND APOLOGIES FOR ABSENCE

Councillor Bond as Chair welcomed all those present and explained the order of the meeting.

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DECLARATION OF INTERESTS

NOTED that there were no declarations of interest.

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THE LAMB P.H., 52 CHURCH STREET, LONDON, N9 9PA (REPORT NO. 265)

RECEIVED the application made by Stonegate Pub Co Ltd for the premises situated at The Lamb, 52 Church Street, Edmonton, London, N9 9PA for a new Premises Licence.

NOTED

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1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. The Stonegate Pub Company Limited was seeking opening hours of 08:00 to 01:30 and sale of alcohol 10:00 to 01:00 on Friday and Saturday. The full details of all hours and activities applied for were set out on page 3 of the agenda pack.
 - b. The seasonal variations originally applied for had since been removed, as set out in the supplementary information.
 - c. A premises licence was already in force at the premises, permitting the same opening hours and licensable activities, apart from the additional hour being applied for on Friday and Saturday.
 - d. The premises was located in the Edmonton Cumulative Impact Policy (CIP) Area. There was therefore an automatic presumption of refusal of applications outside the CIP core hours of 08:00 to 00:00 for sale of alcohol, and the Police and Licensing Authority had therefore objected to this application.
 - e. All conditions had been agreed, as set out in Annex 09.
 - f. It was for the applicant to present to the hearing any measures they would take to mitigate the impact, and why they considered the application should be an exception to the CIP policy.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including:
 - a. The premises was located in one of the borough's CIP Areas. This was an area where there was already concern about crime and disorder and public nuisance. The onus was on the applicant to demonstrate that the application would have no negative impact if granted.
 - b. The condition in respect of last entry time was welcomed.
 - c. There had been a number of temporary event notices granted to the premises with no complaints on any of those occasions.
 - d. The Licensing Authority did not feel they were in a position to authorise a grant against policy.
3. The statement of PC Martyn Fisher, Metropolitan Police Service, including:
 - a. As the venue was within the CIP the Police had to object to the hours applied for.
 - b. Research of the last 12 months showed no incidents of crime and disorder relating to the premises, but there were concerns that if extra hours were granted the likelihood would be increased.
4. The statement of Ms Clare Eames, Partner, Poppleston Allen Solicitors, representing Stonegate Pub Company Limited, including:
 - a. The applicant wished to demonstrate that they should be an exception to the CIP policy.
 - b. The Designated Premises Supervisor, Anne-Marie Hunt, had been running the pub for four years with her husband, and had a 30+ year career in licensed premises so was very experienced. The Area Manager

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was Colin Brown and Stonegate were a very hands-on company.

Stonegate acquired the pub in 2013.

c. This application was for a new premises licence with the additional two hours per week. Non-standard timings had now been amended. A range of robust conditions had been agreed in consultation with the Licensing Authority and the Police.

d. Stonegate were keen to ensure the premises was run to the highest operational standards and had invested in it. The premises had a £130k refurbishment last year. The pub was in a community location, offering sports, quizzes, etc, and catering to all ages. A majority of the customers were in their thirties and forties and 90% of the customers were locals.

e. Temporary event notices had been used to extend the opening hours to 02:00 on 15 evenings last year and 9 evenings this year, and were a good barometer of the impact of later hours.

f. An evidence bundle had been provided, including a company information sheet, demonstrating its high standards, and a licensing manual index used across 700 premises which ensured all premises were safe and legal and adhered to licensing objectives at all times. There was also some case law in the bundle in relation to more sophisticated considerations of applications outside CIP core hours, and successful grants of licences in places associated with strong policies.

g. This pub was not looking to attract new customers. It had a nice customer base and would like to provide an extra hour on Friday and Saturday. The temporary event late openings had caused no problems and dispersal had proved successful.

h. The additional two hours per week would be for customers already in the premises and not causing problems, and would be underpinned by a very extensive set of conditions and detailed operating schedule. The 'trial' of temporary events caused no problems and was very compelling evidence.

i. The Police and Licensing Authority said there was no evidence to suggest any problems, but were obligated to make representations due to the CIP policy.

j. The presumption against grant in the Enfield policy was understood, but recent case law suggested it should not be an 'iron rule'. All LSC decisions were subject to assessment of the evidence of the impact of the application and likely effect on the CIP policy.

k. It was considered there was sufficient evidence in this case to demonstrate that granting the application would not have a negative impact: including the strong conditions, dispersal proposals, and evidence from other Stonegate premises. This application should be considered an exception in respect of the CIP policy.

5. Questions were responded to as follows:

a. In response to the Chair's queries, it was confirmed that the applicant was agreeable to all proposed conditions. It was advised that staff were very well versed in measuring the impact on the community of noise from

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regulated entertainment and there were sufficient processes in place that there would not be public nuisance.

b. In response to queries from Councillor Savva and PC Fisher, it was advised that Ann-Marie Hunt took on front-of-house duties and management of people and their behaviour and that she was seeking the extra hours in conjunction with her area manager. It was advised that the premises were doing well and enjoyed a good customer base, but there was feedback that people wanted more time to enjoy their evening. The extra hours would also promote gradual dispersal which would be better than the current 00:00 peak. The company was eager to ensure there was a vibrant and safe night-time economy where they operated.

c. PC Fisher asked about typical numbers of customers. It was confirmed there may be 60 to 70 customers on Friday and Saturday and the pub was hoping to keep them for an extra hour, with people leaving gradually. The customers were generally local people and would come and go.

d. Ellie Green confirmed the closing times and last sale of alcohol at the nearest licensed premises in the vicinity for comparison: Kervan Restaurant 01:00 / 00:30; Crown and Anchor 01:30 / 01:00; Hyde Arms 00:30 / 00:00; Railway Tavern 01:30 / 01:00; Rising Sun open 24 hours, last sale of alcohol 01:00.

6. The summary statement of Ellie Green, Principal Licensing Officer, and that it was for the sub-committee to take such steps as it considered necessary for the promotion of the licensing objectives, as set out in paragraph 6 of the covering report.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“The Licensing Sub-Committee have regard to the licensing objectives, Government guidelines and the Council’s licensing policy statement.

Having listened to and read all representations we have decided to grant this application with all conditions from the responsible authorities as in Report 265 Annex 09 added.

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We have considered that there will be no demonstrable negative impact on the CIP area, having considered all the evidence presented.”

3. The Licensing Sub-Committee resolved that the application be granted in full.

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FISH RESTAURANT, 112 HIGH STREET, ENFIELD, EN3 4ES (REPORT NO. 266)

RECEIVED the application made by Mr Mansur Duzgun for the premises situated at Kalamis Fish Restaurant, 112 High Street, Enfield, EN3 4ES for a variation of Premises Licence LN/201500377.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. The premises will be known as Kalamis Fish Restaurant.
 - b. A licence variation had been applied for by Mr Mansur Duzgun.
 - c. The application included amendment to the plan attached to the licence and amendment of existing conditions and removal of conditions. There were no changes sought to the licensing hours or activities.
 - d. The application had been considered by the responsible authorities and no representations had been made. In fact, the application had been made at the request of the Licensing Authority, further to meetings with the licence holder.
 - e. Councillor Donald McGowan, Ponders End Ward Councillor, had made representation, as set out in Annex 04 to the officers' report. Councillor McGowan was not in attendance at today's hearing, but he had expressed concerns in relation to music and noise of customers' conversations in the rear room disturbing local residents, and in respect of the adequacy of the fire exit for occupants of the apartment above.
 - f. The proposed conditions were set out in Annex 05 of the report.
 - g. The premises had not been subject to a review of the licence at any time since 2005.
 - h. Mr Duzgun was present at the hearing, with his sister and business partner.
 - i. In response to a query from the Chair, it was advised that in the absence of any objection there was no evidence that the fire exit was inadequate.
2. The statement of Mr Mansur Duzgun, the premises licence holder and applicant, including:
 - a. The application was just for a variation to the licence.

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- b. The fire exit was a separate entrance for the flat upstairs. The building was only two storeys.
 - c. He had been liaising with the Council's Licensing Team for some time.
 - d. This application had been recommended to make the premises and licence more practical further to a changed business model.
 - e. Instead of a back garden there would be a rear room which would contain any noise. The premises had received no noise complaints.
3. The sub-committee members had no questions.
 4. The summary statement of Ellie Green, Principal Licensing Officer, and that it was for the sub-committee to take such steps as it considered necessary for the promotion of the licensing objectives, and that relevant policy and guidance were highlighted in the covering report.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

"The Licensing Sub-Committee have regard to the licensing objectives, Government guidelines and the Council's licensing policy statement.

Having listened to and read all representations the Sub-Committee resolved to grant this variation of the licence as outlined in Report 266."

3. The Licensing Sub-Committee resolved that the application be granted in full.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting of Licensing Sub-Committee held on Wednesday 29 March 2017.

AGREED that the minutes of the meeting of Licensing Sub-Committee held on Wednesday 29 March 2017 be confirmed and signed as a correct record.

