

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 27 November 2019 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
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Council website: www.enfield.gov.uk

Councillors: Chris Bond (Chair), Sinan Boztas and Jim Steven

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. QUEENS HEAD, 41 - 43 STATION ROAD, WINCHMORE HILL, LONDON, N21 3NB (Pages 1 - 36)

Application for a Variation of a Premises Licence. (Report No: 153)

4. THE BIRD IN HAND PUBLIC HOUSE, 100 TOTTENHALL ROAD, LONDON, N13 6DG (Pages 37 - 148)

Application for a Variation of a Premises Licence (Report No: 154)

5. MINUTES OF PREVIOUS MEETINGS (Pages 149 - 166)

To receive and agree the minutes of the meetings held on Wednesday 16 October 2019 and Wednesday 6 November 2019.

6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

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

COMMITTEE:
Licensing Sub-Committee
27 November 2019

REPORT OF:
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

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

Contact Officer :
Ellie Green on 020 8379 8543

LICENSING SUB-COMMITTEE – 17 NOVEMBER 2010

Application was made by **TRADING STANDARDS SERVICE** for a review of the Premises Licence held by **MS SUSAN RITCHIE** at the premises known as and situated at **THE QUEEN'S HEAD, 41 – 43 STATION ROAD, WINCHMORE HILL N21**.

The Licensing Sub-Committee **RESOLVED** that it considered the step below to be necessary for the promotion of the licensing objectives :

(a) to modify the conditions of the licence.

Reasons:

The Chairman made the following statement :

"We have listened carefully to the oral evidence presented by all parties this morning, in addition to the written evidence submitted before the hearing, which was also fully considered.

In arriving at our decision, the Sub-Committee has listened to the Interested Parties, paying regard to Paragraph 8.4 of Enfield's Licensing Policy Statement, whereby stricter conditions may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.

The Sub-Committee is satisfied that on Trading Standards' application for review it is necessary to take the actions that are detailed below to promote the prevention of public nuisance. However we have also heard from the Premises Licence Holder regarding a Noise Management Plan which is proposed, and which is being developed with a view to addressing the issues of noise reported by Trading Standards and the Interested Parties.

We are satisfied with the conditions requested by Trading Standards with the exceptions of Conditions 4 and 6, to which the Premises Licence Holder objected. However we were not persuaded by the alternative presented on the day by the Licence Holder's representative, because it does not provide for the promotion of the licensing objectives, given the lack of mechanisms for its approval.

In respect of Condition 4, we have made the following amendments:

Line 2 – to read "... a maximum of 10 smokers ..."

Line 6 – replace "this time" with "21:00".

The condition allows the Premises Licence Holder to manage the outdoor area, and specifically designates for smokers, in such a way that the maximum of 10 smokers is proportionate and fair in respect of the licensing objective under consideration. The requirements in Condition 4 provide a means for preventing unacceptable levels of noise and are necessary for the promotion of the prevention of public nuisance.

Concerns were expressed by the Premises Licence Holder in terms of any cordoning off of the area posing a barrier to fire exits. We note from point 2.5 of the report of the Principal Licensing Officer that each of the Responsible Authorities, which includes the Fire Authority, were consulted as a result of the review being made. No representations were received from that Authority.

The Sub-Committee suggest recommendations in any Noise Management Plan be served upon the Licensing Authority and Trading Standards Service and discussed, such as to mitigate any nuisance and issues from the garden after 21:00. We fully welcome and recognise the Licence Holder's intention to produce and implement this Noise Management Plan, and further suggest that it is always open to the Licence Holder to make a variation to the licence in due course once the detail of that plan becomes more explicit.

Our deliberation then moved to the issues raised by the representative of the Premises Licence Holder in respect of proposed Condition 6. Our decision has been to strike that condition from the licence and insert the essence of Condition 6 in a revised Condition 9.

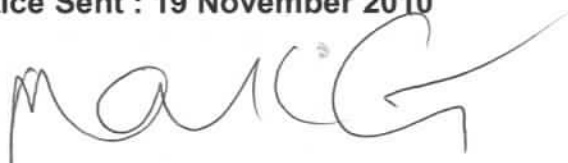
We accept the view put by the Premises Licence Holder that Condition 6 as drafted was somewhat vague, and presents difficulties of enforcement, which was the extent of the Premises Licence Holder's objections.

We therefore determine that Condition 9 should read as follows: "Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents by (a) not congregating around the front of the premises at any time; and (b) leaving the premises and area quietly."

This new condition is deemed necessary to promote the licensing objective, bearing in mind that the Premises Licence Holder had accepted the proposed Condition 9, and it is considered that the re-wording is proportionate and balanced."

Date Notice Sent : 19 November 2010

Signed :



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343

Annex 2

Address: The Queens Head
41-43 Station Road, Winchmore Hill, London, N21 3NB



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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: LN/200502151

Part 1 – Premises Details

Postal address of premises:

Premises name: Queens Head Winchmore Hill

Telephone number: 020 8360 9989

Address: Public House 41-43 Station Road Winchmore Hill
LONDON N21 3NB

Where the licence is time-limited, the dates:

Not time limited

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

Not applicable

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

Location	Whole Premises	
Activity	OPEN-Open to the Public	
Sunday		00:00-00:00
Monday		00:00-00:00
Tuesday		00:00-00:00
Wednesday		00:00-00:00
Thursday		00:00-00:00
Friday		00:00-00:00
Saturday		00:00-00:00
Non-Standard Timings & Seasonal Variations		
Location	On and Off Supplies	
Activity	ALCS-Supply of Alcohol	
Sunday		12:00-23:30
Monday		10:00-00:00

Tuesday	10:00-00:00
Wednesday	10:00-00:00
Thursday	10:00-00:00
Friday	10:00-00:00
Saturday	10:00-00:00
Non-Standard Timings & Seasonal Variations	Good Friday : 12:00 - 23:30 Christmas Day : 12:00 - 23:30 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day
Location	Indoors
Activity	MUSR-Recorded Music
Sunday	00:00-00:00
Monday	00:00-00:00
Tuesday	00:00-00:00
Wednesday	00:00-00:00
Thursday	00:00-00:00
Friday	00:00-00:00
Saturday	00:00-00:00
Non-Standard Timings & Seasonal Variations	
Location	Indoors
Activity	LNR-Late Night Refreshment
Sunday	23:00-00:00
Monday	23:00-00:30
Tuesday	23:00-00:30
Wednesday	23:00-00:30
Thursday	23:00-00:30
Friday	23:00-00:30
Saturday	23:00-00:30
Non-Standard Timings & Seasonal Variations	Good Friday : 23:00 - 00:00 Christmas Day : 23:00 - 00:00 New Year's Eve : 23:00 - 05:00

Part 2

Name and (registered) address of holder of premises licence:

Name: Bermondsey Pub Company Limited

Telephone number: 01212 725000

e-mail: [REDACTED]

Address: 3 Monkspath Hall Road, Solihull, B90 4SJ

Registered number of holder (where applicable): 08836925

Name and (registered) address of second holder of premises licence (where applicable):

Name: Not applicable

Telephone number:

Address:

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name: Mr Steven Robert Lambert

Address: [REDACTED]

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number: [REDACTED]

Issuing Authority: Guildford Borough Council

Premises Licence LN/200502151 was first granted on 29 September 2005.

Signed:



Date: 16 April 2019

for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone: 020 8379 3578



Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

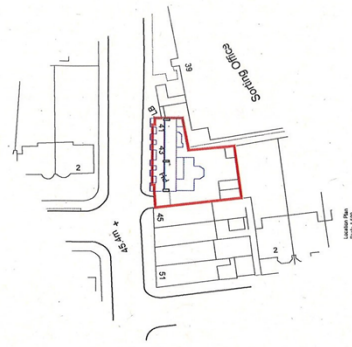
Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. No person under 16 shall be allowed to remain on the premises after 22:00 unless it is for the purposes of completing a meal order prior to that time.**
- 3. The beer garden at the rear of the premises shall not be used after 21:00. An exception to this is that after this time a maximum of 10 smokers at any one time shall be permitted in a designated smoking area situated in the rear garden. This area shall be cordoned off and clearly sign posted as the smoking area. Customers shall not be permitted to take drinks into the smoking area after 21:00 and the area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance.**
- 4. Notices shall be displayed in the rear garden area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.**
- 5. Customer shall not be permitted to take open drinks outside the front of the premises.**
- 6. All off sales shall be in a sealed container.**
- 7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents by (a) not congregating around the front of the premises at any time; and (b) leaving the premises and area quietly.**
- 8. All external doors and windows to be kept closed but not locked during regulated entertainment.**
- 9. Wall mounted ashtrays shall be provided outside the premises.**
- 10. Staff at the premises shall receive induction and refresher training (at least every 3 months) relating to the sale of alcohol, and the times and conditions of the premises licence and their duty to ensure they are complied with. All such training shall be documented and records kept for at least one year. These records must be made available to the Police and/or Local Authority upon request.**

Annex 3 - Conditions attached after a hearing by the Licensing Authority

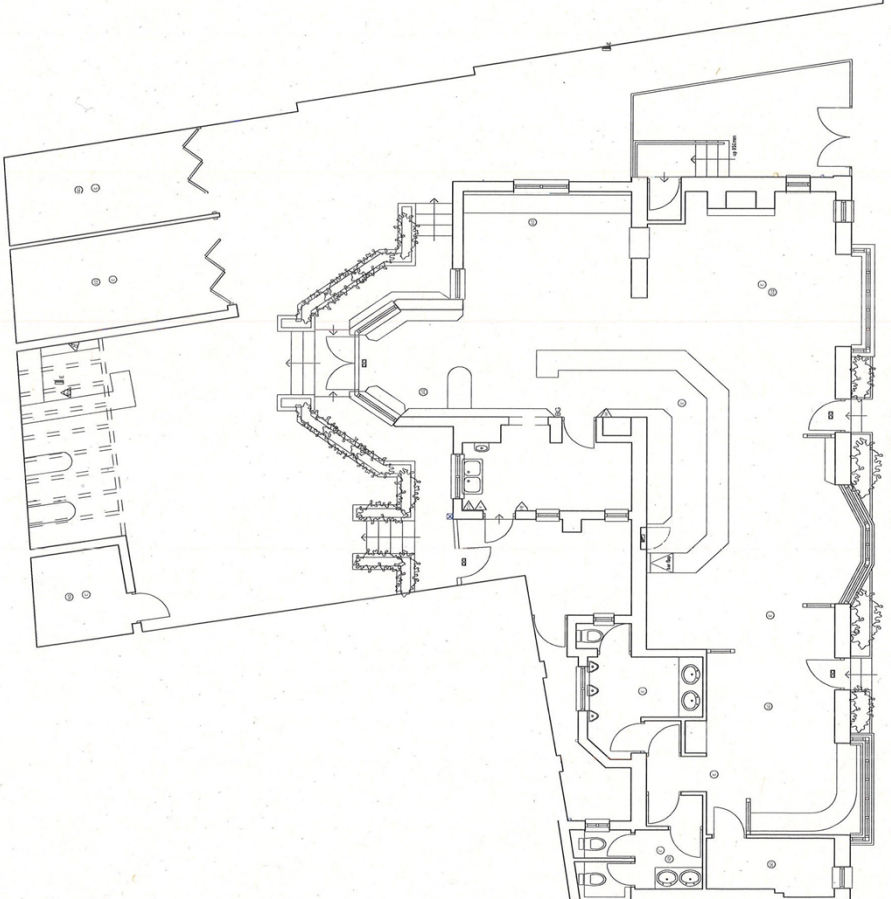
None

Annex 4 – Plans



LEGEND
 'Licenceable activities may take place in all public areas unless the premises license specifies otherwise'

- FIRE/ALARM**
 (S) Fire alarm
 (F) Fire extinguisher
 (E) Exit door
 (C) Fire escape
 (L) Fire alarm call point
 (A) Fire alarm call point
 (P) Fire alarm call point
 (D) Fire alarm call point
 (R) Fire alarm call point
 (T) Fire alarm call point
 (K) Fire alarm call point
 (N) Fire alarm call point
 (M) Fire alarm call point
- SMOKE/VENTILATION**
 (S) Smoke vent
 (V) Vent
 (D) Duct
 (T) Terminal
- MECHANICAL/VENTILATION**
 (M) Mechanical
 (V) Vent
 (D) Duct
 (T) Terminal
- AC**
 (A) Air conditioning unit
 (C) Condenser coil
 (U) Unit
 (R) Receiver
 (L) Line
- PLUMBING**
 (W) Water
 (S) Sewer
 (G) Gas
 (E) Electric
- GLASS**
 (G) Glass
- GLAZING**
 (G) Glazing
 (U) Unit
 (S) System
 (D) Door
 (W) Window
 (D) Door
 (W) Window
 (D) Door
 (W) Window
 (D) Door
 (W) Window
- DS**
 (D) Door
 (S) System
 (C) CCTV



Proposed Ground Floor Plan

All works and alterations shall be carried out in accordance with the Building Regulations 1991 and the Building Act 1984. All alterations must be subject to the approval of the Local Authority. The contractor shall be responsible for obtaining the necessary permits and approvals.



Client	Barronbury Park CD
Design	1:200
Project	1:100
Scale	1:100
Sheet	1
Date	16/11/2012
Author	16/11/2012
Checked	16/11/2012
Approved	16/11/2012
Project Location	Proposed Lodging Plan
Project No.	16/11/2012
Issue No.	16/11/2012
Issue Date	16/11/2012



Enfield
Application to vary a premises licence
Licensing Act 2003

For help contact
licensing@enfield.gov.uk
 Telephone: 020 8379 3578

* required information

Section 1 of 18

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

RJT/MJM/98454.26149

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

 Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

BERMONDSEY PUB COMPANY LTD

* Family name

BERMONDSEY PUB COMPANY LTD

* E-mail

mandy_mighty@gosschalks.co.uk

Main telephone number

Include country code.

Other telephone number

Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

 Applying as a business or organisation, including as a sole trader Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Applicant Business

Is the applicant's business registered in the UK with Companies House?

 Yes No

Note: completing the Applicant Business section is optional in this form.

Registration number

08836926

Business name

BERMONDSEY PUB COMPANY LTD

If the applicant's business is registered, use its registered name.

VAT number

GB

178436963

Put "none" if the applicant is not registered for VAT.

Legal status

Private Limited Company



Continued from previous page...

Applicant's position in the business

Home country

The country where the applicant's headquarters are.

Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Agent Details

* First name

* Family name

* E-mail

Main telephone number

Include country code.

Other telephone number

Indicate here if you would prefer not to be contacted by telephone

Are you:

An agent that is a business or organisation, including a sole trader

A sole trader is a business owned by one person without any special legal structure.

A private individual acting as an agent

Agent Business

Is your business registered in the UK with Companies House? Yes No

Note: completing the Applicant Business section is optional in this form.

Is your business registered outside the UK? Yes No

Business name

If your business is registered, use its registered name.

VAT number

Put "none" if you are not registered for VAT.

Legal status

Continued from previous page...Your position in the business Home country

The country where the headquarters of your business is located.

Agent Business Address

If you have one, this should be your official address - that is an address required of you by law for receiving communications.

Building number or name Street District City or town County or administrative area Postcode Country **Section 2 of 18****APPLICATION DETAILS**

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence, you should make a new premises licence application under section 17 of the Licensing Act 2003.

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

* Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

 Address OS map reference Description
Postal Address Of PremisesBuilding number or name Street District City or town County or administrative area Postcode Country **Premises Contact Details**Telephone number

Continued from previous page...Non-domestic rateable
value of premises (£)

24,250

Section 3 of 18**VARIATION**Do you want the proposed
variation to have effect as
soon as possible? Yes NoDo you want the proposed variation to have effect in relation to the
introduction of the late night levy? Yes NoYou do not have to pay a fee if the only
purpose of the variation for which you are
applying is to avoid becoming liable to the
late night levy.If your proposed variation
would mean that 5,000 or
more people are expected to
attend the premises at any
one time, state the number
expected to attend**Describe Briefly The Nature Of The Proposed Variation**

Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

To amend a condition on the premises licence to permit the use of the beer garden until 2230 on Mondays to Saturdays and until 2200 on Sundays.

Section 4 of 18**PROVISION OF PLAYS**[See guidance on regulated entertainment](#)Will the schedule to provide plays be subject to change if this application to
vary is successful? Yes No**Section 5 of 18****PROVISION OF FILMS**[See guidance on regulated entertainment](#)Will the schedule to provide films be subject to change if this application to
vary is successful? Yes No**Section 6 of 18****PROVISION OF INDOOR SPORTING EVENTS**

Continued from previous page...[See guidance on regulated entertainment](#)

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

Section 7 of 18**PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS**[See guidance on regulated entertainment](#)

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

Section 8 of 18**PROVISION OF LIVE MUSIC**[See guidance on regulated entertainment](#)

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

Section 9 of 18**PROVISION OF RECORDED MUSIC**[See guidance on regulated entertainment](#)

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

Section 10 of 18**PROVISION OF PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

Section 11 of 18**PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE**[See guidance on regulated entertainment](#)

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

Section 12 of 18**PROVISION OF LATE NIGHT REFRESHMENT**

Continued from previous page...

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Section 13 of 18

SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

Section 14 of 18

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

NONE

Section 15 of 18

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Condition 3 in Annex 2 of the premises licence is to be amended to read:-

"The beer garden at the rear of the premises shall not be used after 2230 on Mondays to Saturdays or after 2200 on Sundays. An exception to this is that after the closing time, a maximum of 10 smokers at any one time shall be permitted in a designated smoking area situated in the rear garden. This area shall be cordoned off and clearly sign posted as the smoking area. Customers shall not be permitted to take drinks into the smoking area after 2230 on Mondays- Saturdays or after 2200 on Sundays and the area shall be adequately supervised by staff to control the number and behaviour of patrons so as not to cause noise nuisance."

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

Continued from previous page...

- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - o any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - o any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - o any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and
 - o any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.

Section 18 of 18**PAYMENT DETAILS**

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

* Fee amount (£)

190.00

DECLARATION

* I understand it is an offence, liable on summary conviction to a fine not exceeding level 5 on the standard scale, under section 158 of the Licensing Act 2003, to make a false statement in or in connection with this application.

* I understand that I must now advertise my application.

* I understand that if I do not comply with the requirements my application will be rejected.

Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

GOSSCHALKS SOLICITORS

* Capacity

SOLICITORS ON BEHALF OF THE APPLICANT

* Date

24	/	09	/	2019
dd		mm		yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/enfield/change-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IP Representations: Queens Head Variation

IP1 Representation

I noticed in last weeks local paper that the Queens Head has applied for an extension of opening hours for their beer garden together with their enormous tv. NO NO NO Please do not allow this. I live at xxxxxx. THE BEER GARDEN IS APPROX 100 meters away from my garden and when there is a match of some kind the noise is horrific especially when viewers are cheering on a team.

Residents in Station Road, Compton Road, Radcliffe Road and Roseneath plus some in Ringwood Way expect to enjoy quiet enjoyment. If the Queens Head wish to boost their beer sales with a tv why can't they build an INDOOR tv lounge and have it sound proofed? I don't understand how they got permission to have a tv in their beer garden anyway. It should be revoked.

The advert in the local paper is easily missed. Their application should be more prominent. I have spoken to some my neighbours many who have young children and others who are elderly and we don't want to suffer the noise. Other pubs and eating places in the area are more considerate.

I am sure that the people who make the decisions do not live in this immediate expensive area Thanks & regards

IP2 Representation

I would like to formerly contest the Queens Head Application to vary its Premises Licenses. As a resident of xxxxx for over 25 years, our garden is very close to the Queens Head Beer Garden. I am deeply concerned with the possibility of the open hours of the Beer Garden being extended to 22:30 Mon-Sat and up to 22:00 on Sun.

The Beer Garden is an open air space and this unfortunately allows for the voices to travel a considerable distance and as residents near by directly a few premises behind the Beer Garden, I urge you to take this complaint with the utmost seriousness it deserves. if the Licensing Team is seriously considering the Queens Head Application then I would like to invite you to come to our home and spend an afternoon in the Garden. This will give you real experience of a nearby resident to the Beer Garden and offer you the opportunity to make a better informed decision.

Please do contact me directly on the below contact details to discuss this further.

IP3 Representation

I wish to register an objection to the proposed extension of opening hours for the beer garden.

I live close by and am concerned about the potential extra noise.

IP4 Representation

I write to object to the Section 34 variance to the premises act for Queens Head Pub Winchmore Hill N21 to extend use of the beer garden till 22.30 and 22.00 on Sundays.

We live in xxxxx and our garden backs virtually onto the pub.

In the summer months in particular when there are sports events on their Tv outside the noise is very loud.

I would certainly object to this proposal.

IP5 Representation

I am writing to object to the application by the Queen's Head, N21 to allow customers to use the beer garden until later in the evening.

This is a very unfair to local residents. The additional noise, until much later in the evening will significantly reduce our opportunity to sleep, relax and use our own outdoor spaces without intrusive noise.

At the moment the balance seems fair, it allows the business to use the outdoor space but gives residents some respite too.

Please consider the views of locals, we care about keeping good relationships and whilst we want to see businesses thrive, we also need to be able to live comfortably in our own homes.

IP6 Representation

In respect of Queens Head, 41-43 Station Road, Winchmore Hill - application to extend use of beer garden.

We would like to oppose the application. The current hours of use should not be extended. Rather, noise management plans should be completed and improved.

We have been a neighbour for over 12 years over which time the pub's rear garden has gone from not being used as a beer garden, to irregular use in warm weather months only, to large scale use lasting later and later at night all year round. This application is a further strategy of usage creep, which once approved will be difficult to enforce. Current use is already difficult for staff with little motivation to appropriately enforce. An extension will therefore just exacerbate the current problems experienced, all well documented in previous applications.

IP6 Additional Representation

Can you please confirm that the minutes of the previous application put to the Licensing Sub-Committee regarding the 'Queens Head beer garden hours of use' be tabled at this new hearing, i.e. that meeting held on 17/11/2010.

The previous hearing, which you will be familiar with as you attended as the Principal Trading Standards Officer, contained documented evidence of historic ongoing problems experienced as a result of increased use of the beer garden. The arguments presented at that hearing remain equally pertinent for this one, and rather than rewriting them all from scratch, should be considered in full by the members of the Licensing Sub-Committee who, without familiarising themselves with the history of applications, may not be fully aware of them.

The Queens Head is in a residential area, not an urban, commercial or industrial one. Hours should therefore not be increased but an effective noise management plan be put in place.

Principal Licensing Officer Comment: *the link to the website containing the agenda, report and minutes for the Queens Head hearing on 17/11/2010 has been included in the report, and is included again here:*

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

IP7 Representation

An email to submit our objections to extending the outside opening hours of the Queens Head pub on the grounds that it will considerably increase noise levels for residents in Compton Road.

IP8 Representation

My husband and I live with our two young sons (xx and xx years old) at xxxxx. From our house we can see the Queen's Head pub at 41-43 Station Road N21 3NB and can hear when patrons are in their pub garden.

We have seen the notice for the proposed variation to amend a condition on the premises licence to permit the use of the beer garden until 2230 on Monday to Saturday and until 2200 on Sundays.

We object strongly to this variance as this is a residential area and having patrons in the garden area until late throughout the week will be noisy and disruptive to us as a family.

IP9 Representation

I would like to raise my objection to The Old Queens Head, Station Road, Winchmore Hill N21 recent application to have a later outdoor licence then 9pm.

I own xxxxx and it is located directly next door to The Old Queens Head with the back bedroom directly overlooking the beer garden.

If you require any further information please do not hesitate to contact me.

It is with regards to the following reasons:-

- Prevention of crime and disorder;
- Prevention of public nuisance.

IP10 Representation

I am writing in objection to the following variation to licensing to remove the current 9pm restriction.

Queens Head Pub (Bermondsey Pub Company)

41-43 Station Rd

Winchmore Hill

I live at xxxxx, approx 20m from the Queen's Head outside space. When we purchased our house there was and still is the 9pm restriction on the use of the outdoor area. Something that was enforced by the council for the protection of the local residents after countless complaints. This enforcement could have only been made as the council agreed that this is a statutory nuisance.

Having to tolerate the constant nuisance noise will be exhausting, especially as it will be happening through the night every night. This extension with no restrictions will make my family and young children helpless to avoid it and unable to sleep and or relax in my own home. This will have extremely negative effects in the long term on our health and mental health. As this area is entirely residential there is a very low level of background noise while the noise from the pub can be heard on Compton Rd, Roseneath Ave, Station Rd, Kings Rd and Ringwood Way an area covering more than 50 households.

I object to this application on the following grounds.

- Currently the pub has outdoor TV where live sporting events are shown. The noise during the day is considerable as in excess of 100 people are often outside. Allowing this to continue into the evening would seriously detriment the local residents. If a private residence was to have a party every evening in their garden until 22:30 it

would be deemed unacceptable by the council and enforcement would be made. I would consider this to be "entertainment" as the volume is turned up on the TVs.

- As this is an outdoor space it's use will be heavily used during the summer months. As this is the UK and houses have no provision for air-conditioning local residents sleep with Windows open. For those of us with young children and who start work at 5am this level of noise will cause considerable mental and physical harm due to night after night of disturbed sleep in such that this permit will allow for this space to be used 7 days a week and no restrictions on the number of people that can be in the area.

- The introduction of an outside bar area (currently in use during the day) and ability to serve alcoholic beverages easily will only add to the noise.

- As this pub is in a conservation area, residents are not able to change Windows are many are single glazed so offer little sounds insulation.

- Due to the brick construction of all the surrounding buildings and the height of these, lack of any tall trees. The outside area is in a echo chamber and only makes the noise louder. If you consider that loud conversation is 85 - 90db this will allow/give for a constant noise level of upto 90db for upto 12 hours a day 7 days a week.

- There is no provision for any sound deadening or reducing the levels it currently causes.

- The application offers no benefits to the local residents and is for financial gain. Based on showing the Football 2020 European championships outside (which will cause more noise than just outside drinking).

I hope that this long-standing permit restriction is upheld for the benefit of the local residents, notwithstanding that the new owners of the pub were fully aware of this when then redeveloped the pub.

IP11 Representation

We are writing with respect to the application to amend a condition to the license for the Queens Head at 41-43 Station Road, London N21 3NB.

The condition is to permit the use of the beer garden until 22:30 on Mondays to Saturdays, and until 22:00 on Sundays. The present condition allows use of the beer garden until 21:00.

We moved to xxxxx in 1996 and have lived through a number of owners and licensing conditions at the Queens Head and can say unequivocally that the use of the beer garden, has had a direct and significant impact on the quality of our lives. When drinking and activities have been allowed later in the evening, the noise is do loud and disruptive that we could never sit outside on our patio, or even have our

windows on the same side of the beer garden open. Added to the noise, the topics of conversations, are typically late night ones which we have all had, but younger children (we have three school age children), should not be exposed to. These times, in the past have placed an intollerable strain on how we would like to live our life.

It is unfortunate that the arrangement of properties adjacent to the Queens Head garden seem to amplify the noise, which echoes around the gardens and buildings, but it does, dramatically.

It is why we have to object in the strongest possible terms to any extension, no matter how responsible or careful the owners are.

IP12 Representation

THIS IS A HOLDING OBJECTION

ENFIELD LICENSING TEAM
P.O. Box 57
Civic Centre
ENFIELD COUNCIL



18 Oct 2019

Dear Council LICENSING TEAM

Re QUEEN'S HEAD 41-43 STATION ROAD N213NG

I have noticed that an application to extend the "Beer Garden" opening hours as been applied for

PLEASE CAN YOU REFUSE THIS APPLICATIONS

We fought hard, with the owners of [redacted] to reduce the hours in the "Beer Garden" as the noise was AWFUL. Ever since it was reduced on occasions the pub has flouted its obligations and I have called the noise abatement team who came to my house to hear. One time with a previous owner of the pub they had a quiz night in the garden and in our kitchen we could answer all the questions and it was as if the quizmaster was in our garden.

The problem is the tall post office building and the houses tunnel the sound straight through to the whole terrace right up to Compton Road.

Staff were asked to police this 9:00^{PM} ruling seemed unknowing of the rules.

We need your help to refuse this

Thanking you

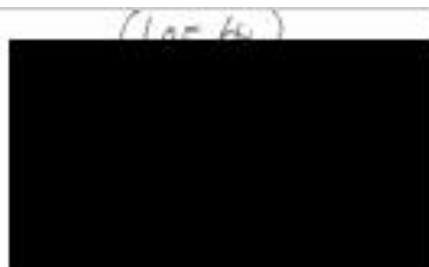


LONDON BOROUGH OF ENFIELD
no paper application
21 OCT 2019
ENVIRONMENT & STREET SCENE

Post

IP13 Representation

The Licensing Team
London Borough of Enfield
PO Box 57, Civic Centre
Silver Street, EN1 3XH



18/10/19

This is a "Holding Objection"

Dear Sir/Madam,

Re: Queen's Head Pub, 41-43 Station Road, N21 3MB

I am writing to object to the application by Bernadsey Pub Company Ltd to extend the hours of the use of the "beer garden" to 2230 on Mondays to Saturdays and 2200 on Sundays.

My objection is on the basis that the noise from the use of the "beer garden" has a significant detrimental effect on the living environment of all the residential properties in its vicinity in Station Road, Rosebeth Avenue and also the properties in Compton Road that are opposite to the rear of the Queen's Head pub.

It would be better for all those residential properties if the hours of drinking in the pub garden would be reduced instead of extended. The noise during both daytime and evening has become a worse problem, particularly during the summer months.

The Queen's Head has had large TV screens being viewed in the outer area to the rear of the pub and there has been a lot of noise from people watching sports events whilst drinking in the "beer garden".

(cont)

(2 of 4)

(cont.)

The licensees have also run various attractions in the "beer garden" to try to encourage drinkers to use the outdoor space. All this is creating even more disturbance than previously when the licensing hours were reviewed before and the garden area was closed to drinking at 9pm.

Even the number of smokers who are in the garden after 9pm can be noisy as they have already been drinking and are liable to be loud when talking and shouting together.

Unfortunately there have also been many occasions when the noise from the Queen's Head has not been suitably controlled by the licensees.

For instance, on Saturday 27th May 2017 I visited the Queen's Head at 12.45am (i.e. Sunday, early hours) because of the excessive noise and found that there were customers still out in the garden area being very noisy and drinking there.

Also on Friday 30th June 2017 at about 10pm I went into the Queen's Head to find out why it was still so noisy at the back and I spoke to Foe, who was working behind the bar, to ask why there were people drinking in the garden and why the back double doors of the pub were open, letting out the noise of the people and the loud music in the busy pub.

(cont.)

(cont)

(3 OF 4)

As Joe was unable to answer these questions he asked the other staff who were working at the pub that evening but no-one was able at all to say what the licensing restrictions were at that time.

Joe said he would speak to "Brian" of the management of the pub to request that in future the back doors be closed at 9pm. Two Noise Abatement team staff came to the front of the pub to check it on that occasion. Licensing regulations were clearly being breached again.

As the Queen's Head rear garden is right next to the very tall wall of the Post Sorting Office building the slightest sound from the garden is bounced back and projected towards the rear bedroom and living areas of a large number of residential properties. Therefore the pub garden is entirely unsuited to being used as a "beer garden" and I strongly suggest that there should not be any extension of the licensed hours in the garden and that there should be a review of the licensing arrangements of the Queen's Head as there is much more noise disturbance being caused by outside activities there than before, especially in the summer months when local residents want to peacefully enjoy their own gardens and have their household windows open.

Please write to let me know what the outcome of this application is and also to let me

(cont.)

(cont)

know whether the Licensing Team will be able to ^(+ or +) reduce the hours that the "beer garden" will be used for drinking in the future and what the restrictions of making noise generally will be. On occasion empty bottles have been tipped up at 12.30 am with a great crashing sound.

Also I would like to express my dismay that local residents have not been sent prior information of this application and have only found out about it by chance as the Enfield Council website has proved to be an inadequate source of information in this respect and even a trained librarian was unable to help me in the library to access sufficient details in this case.

Hoping that you will be able to help by rejecting this application to extend the Queens-Head beer garden open hours,
yours faithfully,



IP14 Representation

Re: Licensing Act 2003 Notice of Application to Vary a premises licence under section 34 - application by Bermondsey Pub Company Ltd for premises Queens Head Pub 41-43 Station Road N21 3NB

I would like to object as owner of xxxxx which is the property adjacent to the Queens Head Pub.

My objection is based on the grounds of noise pollution. The late night garden usage would heavily impact the residents of all surrounding streets.

The Queens Head pub now shows all sporting events and is popular throughout the week / weekend at these times, after such events to have groups of people then spill out into the garden would seriously impact the surrounding area.

Having the garden open late would increase capacity post 9pm therefore causing far greater disruption at closing time.

The formation of the property surrounding the pub, the sorting office one side and the tall houses of Roseneath Avenue the other forms a tunnel which carries and reverberates sound much further than usual. This was the case when the sound level was tested last time and deemed to be above the acceptable limits. I can not see anything that has changed since the last sound test.

It is not just Roseneath Avenue that would be affected it would greatly impact Ringwood way, Station Road, Compton Road and all surrounding roads.

IP15 Representation

Re: Queen's Head, Station Road N21 3NB proposed variation to amend a condition on the premises licence to permit the use of the beer garden until 2230 on Mon to Sat and until 2200 on Sundays

I wish to object to the proposal above to extend the use of the Queen's Head beer garden beyond current operating hours. The beer garden is in proximity to the gardens of many residents in the neighbouring streets and will present noise making it quite unbearable to people like myself who have to get up for work early the next morning and also for families with young children. I believe it could also present other unsociable factors, beyond noise, which will make it unpleasant for the residential area.

Myself and my family would be most grateful if you could please continue hours as they are and not extend as proposed.

Annex 6

Proposed Conditions

Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. No person under 16 shall be allowed to remain on the premises after 22:00 unless it is for the purposes of completing a meal order prior to that time.

AMENDED CONDITION:

3. The beer garden at the rear of the premises shall not be used after 22:30 on Mondays to Saturdays or after 22.00 on Sundays. An exception to this is that after the closing time, a maximum of 10 smokers at any one time shall be permitted in a designated smoking area situated in the rear garden. This area shall be cordoned off and clearly sign posted as the smoking area. Customers shall not be permitted to take drinks into the smoking area after 22:30 on Mondays to Saturdays or after 22.00 on Sundays and the area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance.
4. Notices shall be displayed in the rear garden area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.
5. Customer shall not be permitted to take open drinks outside the front of the premises.
6. All off sales shall be in a sealed container.
7. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents by (a) not congregating around the front of the premises at any time; and (b) leaving the premises and area quietly.
8. All external doors and windows to be kept closed but not locked during regulated entertainment.

9. **Wall mounted ashtrays shall be provided outside the premises.**
10. **Staff at the premises shall receive induction and refresher training (at least every 3 months) relating to the sale of alcohol, and the times and conditions of the premises licence and their duty to ensure they are compiled with. All such training shall be documented and records kept for at least one year. These records must be made available to the Police and/or Local Authority upon request.**

Annex 3 - Conditions attached after a hearing by the Licensing Authority

None

MUNICIPAL YEAR 2019/20 – Report No: 154

COMMITTEE:
Licensing Sub-Committee
27 November 2019

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part 1	Item 4
<p>SUBJECT: Application for a Variation of a Premises Licence</p> <p>PREMISES: THE BIRD IN HAND, PUBLIC HOUSE, 100 TOTTENHALL ROAD, LONDON, N13 6DG.</p> <p>WARD: Bowes</p>	

1. LICENSING HISTORY:

- 1.1 On 10 September 2005 applications by Mr Nicos Yiapatos to convert an existing Justices 'On' Licence to a Premises Licence (LN/200502145) 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 18 December 2011 an application by B Lads Limited for transfer of the Premises Licence (LN/200502145), which was not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.3 On 22 April 2015, an application by B Lads Limited for a new premises licence (LN/201500059) was granted by the Licensing Sub-Committee, as it was subject to representations.
- 1.4 The Directors of B Lads Limited are Mehmet Arslan and Lale Hassan, according to the Companies House check carried out on 18 November 2019.
- 1.5 On 10 September 2015, B Lads Limited surrendered premises licence (LN/200502145).
- 1.6 On 16 October 2015, a minor variation of premises licence (LN/201500059) to increase the last entry/re-entry time from 23.00 to 00.00 (midnight), which was not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.7 On LN/200502145, Mehmet Arslan was the named Designated Premises Supervisor (DPS) from 8 December 2011 until that licence was surrendered. He has also been the named DPS on LN/201500059 since 12 January 2015.
- 1.8 Four Temporary Event Notices have been granted to take place at the premises this year.
- 1.9 A map of the area is produced in Annex 1.

- 1.10 A copy of the current premises licence (LN/201500059) is produced in Annex 2.

2.0 THIS APPLICATION:

- 2.1 On 27 September 2019 an application was made by B Lads Limited for a variation of the premises licence (LN/201500059).
- 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 3.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 **Responsible Authorities – Metropolitan Police:** No representations were made.
- 3.2 **Responsible Authorities – Licensing Authority:** Representation has been made on the grounds of prevention of public nuisance, and object to the proposed condition relating to the beer garden.
- 3.3 The Licensing Authority representation, including the additional information, is now attached as Annex 4.
- 3.4 **Other Persons:** Representations have been made, against the application, by a ward councillor and a local resident. The residents are referred to as IP1 and IP2 respectively. The grounds of representation are based on the following licensing objectives: prevention of crime and disorder, public safety and prevention of public nuisance.
- 3.5 Copies of these IP representations are produced in Annex 5.
- 3.6 The resident lives on Wolves Lane.
- 3.7 In response to the representations, the applicant has provided additional information and documents to support the application. This is produced in Annex 6.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1 The conditions arising from this application can be found in Annex 7.

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.

Contact Officer :
Ellie Green on 020 8379 8543

Annex 1



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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: LN/201500059

Part 1 – Premises Details

Postal address of premises:

Premises name: The Bird in Hand

Telephone number:

Address: Public House 100 Tottenham Road LONDON N13 6DG

Where the licence is time-limited, the dates:

Not applicable

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

Not applicable

The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities:

Operating Schedule Details

Location	Whole Premises
Activity	OPEN-Open to the Public
Sunday	10:00-00:30
Monday	10:00-00:30
Tuesday	10:00-00:30
Wednesday	10:00-00:30
Thursday	10:00-00:30
Friday	10:00-01:30
Saturday	10:00-01:30
Non-Standard Timings & Seasonal Variations	<p>Christmas Eve (if on a Sunday to Thursday) : 10.00 - 03:00 (if on a Friday to Saturday) : 10:00 - 03:30</p> <p>Boxing Day (if on a Sunday to Thursday) : 10.00 - 03:00 (if on a Friday to Saturday) : 10:00 - 03:30</p> <p>New Years Eve : from the end of permitted hours</p>

	on New Years Eve to the start of permitted hours on New Years Day.	
Location	On and Off supplies	
Activity	ALCS-Supply of Alcohol	
Sunday	10:00-00:00	
Monday	10:00-00:00	
Tuesday	10:00-00:00	
Wednesday	10:00-00:00	
Thursday	10:00-00:00	
Friday	10:00-01:00	
Saturday	10:00-01:00	
Non-Standard Timings & Seasonal Variations	Christmas Eve (if on a Sunday to Thursday) : 10.00 - 02:30 (if on a Friday to Saturday) : 10:00 - 03:00 Boxing Day (if on a Sunday to Thursday) : 10.00 - 02:30 (if on a Friday to Saturday) : 10:00 - 03:00 New Years Eve : from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.	
Location	Indoors	
Activity	INDS-Indoor Sporting Events	
Sunday	10:00-00:00	
Monday	10:00-00:00	
Tuesday	10:00-00:00	
Wednesday	10:00-00:00	
Thursday	10:00-00:00	
Friday	10:00-00:00	
Saturday	10:00-00:00	
Non-Standard Timings & Seasonal Variations		
Location	Indoors	
Activity	MUSL-Live Music	
Sunday	10:00-23:30	
Monday	10:00-23:30	
Tuesday	10:00-23:30	
Wednesday	10:00-23:30	
Thursday	10:00-23:30	
Friday	10:00-00:00	
Saturday	10:00-00:00	
Non-Standard Timings & Seasonal Variations	Christmas Eve (if on a Sunday to Thursday) : 10.00 - 02:00 (if on a Friday to Saturday) : 10:00 - 03:00 Boxing Day (if on a Sunday to Thursday) : 10.00 - 02:00 (if on a Friday to Saturday) : 10:00 - 03:00 New Years Eve : from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.	
Location	Indoors	

Activity	MUSR-Recorded Music	
Sunday		10:00-00:00
Monday		10:00-00:00
Tuesday		10:00-00:00
Wednesday		10:00-00:00
Thursday		10:00-00:00
Friday		10:00-00:30
Saturday		10:00-00:30
Non-Standard Timings & Seasonal Variations	Christmas Eve (if on a Sunday to Thursday) : 10.00 - 02:30 (if on a Friday to Saturday) : 10:00 - 03:00 Boxing Day (if on a Sunday to Thursday) : 10.00 - 02:30 (if on a Friday to Saturday) : 10:00 - 03:00 New Years Eve : from the end of permitted hours on New Years Eve to the start of permitted hours on New Years Day.	
Location	Indoors	
Activity	DANP-Performance of Dance	
Sunday		10:00-23:30
Monday		10:00-23:30
Tuesday		10:00-23:30
Wednesday		10:00-23:30
Thursday		10:00-23:30
Friday		10:00-00:30
Saturday		10:00-00:30
Non-Standard Timings & Seasonal Variations	Christmas Eve (if on a Sunday to Thursday) : 10.00 - 00:30 (if on a Friday to Saturday) : 10:00 - 01:30 Boxing Day (if on a Sunday to Thursday) : 10.00 - 00:30 (if on a Friday to Saturday) : 10:00 - 01:30 New Years Eve : (if on a Sunday to Thursday) : 10.00 - 00:30 (if on a Friday to Saturday) : 10:00 - 01:30	
Location	Indoors	
Activity	LNR-Late Night Refreshment	
Sunday		23:00-00:00
Monday		23:00-00:00
Tuesday		23:00-00:00
Wednesday		23:00-00:00
Thursday		23:00-00:00
Friday		23:00-01:00
Saturday		23:00-01:00
Non-Standard Timings & Seasonal Variations		

Part 2

Name and (registered) address of holder of premises licence:

Name:	B. Lads Limited
Telephone number:	Not provided
e-mail:	
Address:	The Bird in Hand, Public House, 100 Tottenham Road, LONDON, N13 6DG

Registered number of holder (where applicable):

Name and (registered) address of second holder of premises licence (where applicable):

Name:	
Telephone number:	Not applicable
Address:	

Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name:	Mr Mehmet Ali Arslan
Address:	

Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol):

Personal Licence Number:	
Issuing Authority:	East Riding Council

Premises Licence LN/201500059 was first granted on 22/4/2015.

Signed: 

Date: 29 July 2019

**for and on behalf of the
London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone: 020 8379 3578**



Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**

- 2. Children under 18 years old shall not be permitted on the premises after 21.00 unless accompanied by an adult.**

- 3. The use of the rear beer garden shall be limited from the permitted opening hours to 23.00 on Monday to Saturday and from permitted opening hours to 22.30 on Sunday. After these times, this area may only be used as the designated smoking area, with a maximum of 10 people at any one time. No alcohol or glassware shall be taken into this area after these times.**

- 4. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly from 20:00 until closing time, whilst licensable activities are provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.**

- 5. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**

6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

7. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

8. Toilets at the premises shall be checked for any sign of drug use on average of every two hours between 10:00 and closing time at all times licensable activity is taking place. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police upon request.

9. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.

10. There shall be no entry or re-entry of patrons to the premises after 00:00.

11. With the exception of access and egress, all external doors and windows shall be closed when the premises are in use for the purpose of licensable activities.

12. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.

13. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

14. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

15. A minimum of two door supervisors shall be employed on the premises on Fridays and Saturdays from 20:00 until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands.

16. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night.

17. All tables and chairs from the front outside area shall be removed by 23:00.

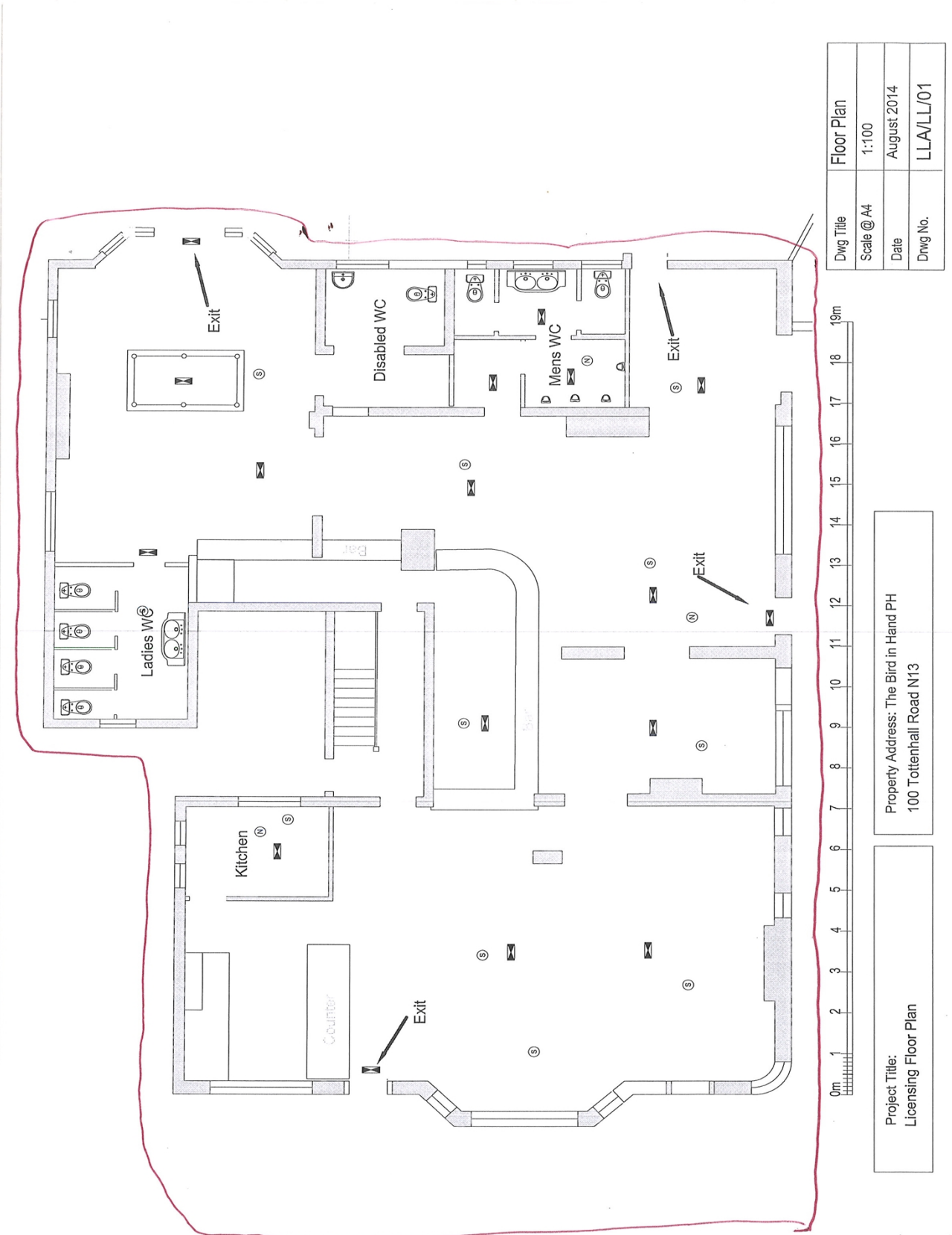
18. Provide wall mounted ashtrays and litre bins outside the premises.

19. No children shall remain at or enter the premises after 23:00 hours.

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans



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13030400068 of
£190.00**Application to vary a premises licence under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We LALE ISMET HASSAN
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	LN 201500059
-------------------------	--------------

Part 1 – Premises Details

Postal address of premises or, if none, Ordnance Survey map reference or description			
The Bird In Hand. 100 Totterhall Road Palmers Green			
Post town	Enfield	Postcode	N13 6DG

Telephone number at premises (if any)	0208 881 7053
Non-domestic rateable value of premises	£ 22 700

Part 2 – Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address (optional)			
Current postal address if different from premises address			
	Same As above		
Post town		Postcode	

Part 3 - Variation

LONDON BOROUGH OF ENFIELD RECEIVED
27 SEP 2019
ENVIRONMENT & STREET SCENE

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY					

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1) Yes No

Please describe briefly the nature of the proposed variation (Please see guidance note 2)

Remove annex 2 - (3) The use of the beer garden shall be limited from the permitted opening hours to 23:00 Mon - Sat and permitted opening hours to 22:30 Sunday. After these times this area may only be used as the designated smoking area with a maximum of 10 people at any one time. No Alcohol or glassware shall be taken into this area after these times -

The use of the beer garden shall be permitted until last orders, After 10pm a member of staff must at all times be present in the beer garden and monitor noise levels to ensure no disturbance to local residents. Sun - Thurs 00:00 and Friday and Saturday 01:00.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

—

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

L

No change.

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			
Sun			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Remove Annex 2 - (3).

M Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)

A 30 minute drink up time after last orders to allow customers to use toilet facilities.
Locations of fire safety equipment subject to change in accordance with the requirements of the responsible authorities or following a risk assessment.

b) The prevention of crime and disorder

CCTV cameras will continue to be maintained as specified by current licence + with the prevention police office. If CCTV becomes inoperative Police + local Authority will be informed immediately and steps to rectify the CCTV must be made straight away. All recordings be retained for 31 days.
An incident book must be kept on premises all instances of public disorder be recorded, Be a member of Pubwatch

c) Public safety

Premises licence holder must have a procedure in place to ensure fire exits are checked regularly + clear from obstruction at all times. Emergency lighting + smoke detectors fire alarms are installed checked + maintained and are kept in good working order. All emergency doors shall be maintained self closing and not held open other than an appropriate device. At the end of the evening customers shall be allowed to wait from taxis inside premises.

d) The prevention of public nuisance

Cigarette bins mounted on external walls outside the building notices to be displayed reminding customers to keep noise levels to a minimum. All external windows + doors shall be closed. Two door supervisors employed on Friday + Saturday until premises closed and recorded. All tables + chairs removed from outside building by 23⁰⁰

e) The protection of children from harm

No adult or teen acts that give concern in respect of children to happen on premises.
No children under 18 permitted on premises after 21.00 unless accompanied by an adult. Proof of age scheme in operation. Only type of identification accepted is a photo driving licence, passport, PASS or accredited military identification cards. Staff will be trained and records kept.

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>L. Hassan.</i>
Date	<i>23/9/19.</i>
Capacity	<i>Premises licence holder.</i>

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

Post town		Post code	
Telephone number (if any)			

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LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is 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.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Name and address of premises: The Bird in Hand Public House
100 Tottenham Road
London
N13 6DG

Type of Application: Variation of a Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This is a variation application to remove the following condition from the licence:

3. The use of the rear beer garden shall be limited from the permitted opening hours to 23.00 on Monday to Saturday and from permitted opening hours to 22.30 on Sunday. After these times, this area may only be used as the designated smoking area, with a maximum of 10 people at any one time. No alcohol or glassware shall be taken into this area after these times.

In its place the applicant has offered the following:

The use of the garden shall be permitted until the end of the permitted hours for the sale of alcohol. From 22:00 hours until 00:00 Sunday to Thursday and until 01:00 on Friday and Saturdays a member of staff shall at all times be present in the beer garden to monitor noise levels and to ensure residents are not disturbed.

Location

This premises is on the junction of Tottenham Road and Wolves Lane. There are a couple of shops next to the premises but this is a predominately residential area.

The Licensing Authority is concerned that residents could be disturbed by noise from those using the outside areas during the early hours of the morning when ambient noise levels are reduced.

History Since 2018:

03/04/18 – Complaint received in relation to alleged dust and smoke coming from a food stand outside the premises from 11:30am to 10:00pm.

25/05/18 – Officer visited area, no fumes/activity witnessed. No answer at complainant's property.

15/07/18 – 03:25 – Complaint alleging loud music coming from the premises, preventing sleep.

15/07/18 - 22:05 – Complaint in relation to alleged high volume of noise until 4am on Sunday 15 July 2018. Prevented local residents from sleeping.

31/07/18 – An officer (CPX) visited the premises for a pre-arranged meeting following the complaints. A Temporary Event Notice (TEN) was in place until 03:30. Checked CCTV – 01:41 - People dancing inside premises but one other half of pub closed with chair on tables. 02:49 - still dancing, 02:57 people starting to leave, DJ finished. One door supervisor seen - DPS confirmed only one working. 03:01 DJ packing up, staff cleaning bar, stacking chairs. Security appears to leave at 03:03 - seen in a change of clothes and looks like saying goodbye to staff. DPS later claimed he had not left. 03:04 group of people standing outside the premises play fighting, doing press ups on the ground, jumping around, playing with balloons - no sound on CCTV but likely that their voices would carry and affect residents at this time in the morning. 03:10 3 people outside talking, staff appear to be getting ready to leave. 03:11 3 people left premises, 5 people seen play fighting outside, kicks. 03:27 - all staff appear to have left. Two shadows can be seen outside. 03:29 last people appear to have left, not seen on screen. Advised that further noise complaints could result in TENs being objected to in future. Loud music can result in noise abatement notice being served. Recommend staff speak to customers as they leave asking them to do so quietly and not to loiter around outside. Staff to stay until all customers have left the area. Although a TEN was in place and therefore overrides conditions of the licence the officer pointed out conditions 15 to them and recommended it be complied with during TENs too. They did not seem familiar with the condition which requires a door supervisor to remain until all customers have left. Discussed conditions with the DPS and his son.

12/10/18 – Out of Hours Licensing Enforcement Officers (EVG/CPX) visited premises to check condition 15 and condition 16 regarding door supervisors. One SIA door supervisor observed on side (but main) door in blue jacket and SIA badge. Second door supervisor situated inside, plain clothes, not wearing badge or hi-vis, and is son of DPS. He advised his badge has been misplaced and had applied for a replacement. Met with one of the Directors of the company (LH) and discussed. Re-iterated condition requirement. Director advised she may apply to vary condition, advised to speak to Police Licensing Officer first.

22/10/18 - Phone call from concerned resident saying they have heard that the premises will be providing shisha pipes and that they are concerned about smoke nuisance. As not yet happening unable to witness. Complainant advised they have not built anything new. Advised shisha does not require a licence but all smoking must be in an area less than 50 % enclosed. Advised if they start and it's a problem to call again.

25/10/18 – Anonymous complaint alleging that the premises sells alcohol to those under 18 years. Also drug distribution allegation.

22/11/18 – Complaint made during the day alleging noise from music and people using rear garden is affecting residents. Works on going in garden. Issue for last 2-3 weeks. Complainant also alleges that there are more than 10 people outside after the permitted hours. An officer (CPX) phoned the Manager (LH) who said they are having

work done in the garden – she advised they are only replacing what is already there, smoking area will not be more than 50% enclosed. Advised they have applied for planning permission. Have been doing the work for about 2 years and nearly finished. Work is done until 4pm when it has to stop as it is dark. They ensure no more than 10 people are outside after hours as stated on licence and that drinks are not taken outside. When asked she said it is not becoming a shisha garden. The Manager said the garden has not been used much as its been too cold and too wet. She said it should be finished before Christmas.

14/12/18 – 23:50 Out of Hours Licensing Enforcement Officers (EVG/VPK) entered premises and spoke to Manager (LH). One SIA door supervisor on door, and one inside wearing SIA badge around neck, but less obviously a doorman. Busy night due to a work Christmas party, good atmosphere, although music was extremely loud when officers got out of car (on Wolves Lane, past mini roundabout towards North Circular). On entry and thereafter music was not an issue. Advised Manager of complaint and she showed officer sound checks and spot where another officer (CPX) had advised to carry out noise checks. Advised to keep stricter control. The doors to rear garden were locked.

30/06/19 - 00:42 - Complaint regarding noise. 01:12 – Further complaint regarding noise from beer garden. The complainants alleged that they are disturbed by loud music, fights and also people noise coming from the garden area every Friday and Saturday night. Noise Officers visited the premises at approximately 01:26. They could hear loud cheering and shouting coming from the garden area. The officer went to speak to the door supervisors but by the time they had parked the door supervisors had gone inside. The Officers looked inside and could see a fight taking place so did not enter. A few minutes later the premises lights came on and people started to leave.

25/07/19 - Email sent to premises in relation to issues on 30th June. Reply from premises received the same day confirming a fight took place amongst two friends that evening as people were leaving and security took control of the situation straight away.

18/10/19 – The Manager (LH) of the premises contacted the Licensing Team as they were concerned that they had received lots of complaints about loud music that night but that it was coming from another nearby property. The Manager wanted to make the team aware of this in case complaints were made to the council blaming them.

22/10/19 – Complaint received alleging that a fire door was locked whilst the premises was open and that when the complaint brought this to the attention of a manager they started swearing at them, manhandled them out of the premises and took their phone and deleted a photo they had taken of the one of the managers.

23/10/19 – Senior Licensing Enforcement Officer (CPX) and Police Licensing Officer (KS) visited the premises to carry out a full licence inspection. There were unable to check the CCTV as only one member of staff was working at the time. Toilet checks went up to 2pm on 21.10.19 – reminded to keep them up to date. All other conditions were compliant. The Officers checked the garden area. There were 18 benches, 13 which could seat 6-8 people and 5 that could seat 4 people. There were 2 three-seater sofas with additional seats in front of the them, 4 small round tables to seat 2 people and a pile of what looked like 4 more benches which could seat 4. There was easily enough seating for over 100 people and room for another 100 to stand. **See Appendix 1 for photos.** The garden area is not shown on the plan attached to the licence so no licensable activities can take place out there (consumption of alcohol is not a licensable activity). The premises licence is already for both on and off sales. Given the size of

the garden, the potential number of people that could use it and the fact that there are exit doors that leads from the garden directly on to Wolves Road the Officers wondered whether the plan should be amended to show the garden and these additional exits from the premises. A query has been sent to the Fire Brigade to see if they are considered exits from the premises or not and whether there should be a capacity limit on the number of people who can use the garden area.

The Licensing Authority makes representation regarding the following Licensing Objectives:

- **Prevention of Public Nuisance**

Given the close proximity to residential premises the Licensing Authority objects to the removal and replacement of the condition restricting the use of the garden area. The Licensing Authority believes that the current condition is still required.

However, If the Licensing Committee is minded to grant the application in full or part, the Licensing Authority recommends a capacity limit be included in the conditions and that the following conditions also be added to the licence:

- The garden shall not be used for regulated entertainment at any time.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
- The whole of the garden area shall be covered by CCTV.
- On Friday and Saturday at least one door supervisor shall be positioned in the garden area from 22:00 until the garden closes. The duties of this door supervisor shall include the supervision of persons using the area to ensure that use of the area does not cause a nuisance to local residents, to ensure the capacity limit is not exceeded and to ensure the doors leading to the garden from the building are not left in the open position during regulated entertainment.

If these additional conditions were accepted in full I WOULD NOT withdraw my representation.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 23/10/19

LICENSING AUTHORITY ADDITIONAL INFORMATION

Name and address of premises: The Bird in Hand Public House
100 Tottenham Road
London
N13 6DG

Type of Application: Variation

Detailed below is additional information not previously included in the representation submitted on 23/10/19:

01.11.19 Out of Hours Licensing Enforcement Officers (CT/ PB) 23:54 - 00:02 - Parked in Wolves Lane. Raining and conditions not conducive to garden use. However less than 10 persons seen smoking in garden area. People could not be heard outside.

The Garden

As previously stated the garden area is not shown on the plan attached to the licence. The licence is for both 'on' and 'off' sales of alcohol and as it is the sale of alcohol that is licensable not the consumption of alcohol customers are permitted to take drinks from the licensed area and consume them 'off' the licensed area. However, having visited the garden and spoken to a Fire Safety Officer who has also recently visited it is clear that there are fire exits leading from the premises into the garden area. Gates from the garden then lead out on to Wolves Lane. As the garden area constitutes part of the means of escape the Licensing Authority believes, in the interested of Public Safety, the plan should be amended to show the garden area and all exits from it.

A Fire Safety Officer has advised the Licensing Authority that if the exits doors leading from the garden to Wolves Lane open inwards the capacity of the garden should be capped at 60. In the interested of Public Safety the Licensing Authority therefore recommends this figure be incorporated into the licence conditions. Please see example below:

- The maximum capacity of the garden area shall not exceed 60. The use of the rear beer garden shall be limited from the permitted opening hours to 23.00 on Monday to Saturday and from permitted opening hours to 22.30 on Sunday. After these times, this area may only be used as the designated smoking area, with a maximum of 10 people at one time. No alcohol or glassware shall be taken into this area after these times.

The exact wording of the condition depends on whether the committee is minded to grant the variation in full or in part.

The Licensing Authority also recommend that no variation come into force until such time as a new accurate plan including the garden area has been submitted.

The Licensing Authority representation is now based on the following Licensing Objectives:

- **Prevention of Public Nuisance**
- **Public Safety**

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

A handwritten signature in cursive script that reads "Palmer".

Date: 13/11/19







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IP Representations

IP1 Representation

FAO of the Licencing Team

As an objection to the Bird in Hand's application for a licence I should like to bring to the Panel's attention a health and safety matter that a resident has brought to my attention.

Last month, a resident who was in the pub brought to the pub manager's attention that the exit door onto Tottenham Road, a fire door, was locked. The manager said that said they were going to have some work done so it was locked. When the resident brought to the manager's attention that it is a legal obligation to unlock fire doors while the premises was occupied, the manager replied "Call the fucking Police, call the fucking Fire Brigade", and he was then manhandled from the premises, from the Wolves Lane exit, and his phone was taken from him. When the resident got his phone back, on his insistence, the photo of the manager was deleted.

The resident phoned the police who recorded the incident as a crime but were unable to send a vehicle immediately. He later also contacted the London Fire Service who confirmed that the fire doors should be unlocked and said that they would contact the premises.

I should like this to be brought to the Licencing Panel attention when consideration is given on the Bird in Hand's application.

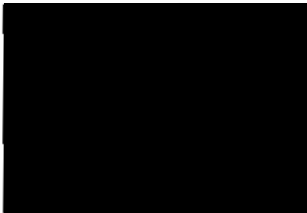
Regards

Achilleas

Achilleas Georgiou

Councillor, Bowes Ward

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16th October 2019

Head of Trading Standards & Licensing

PO Box 57

Civic Centre

Silver Street

Enfield, EN1 3XH



Name of Premises: The Bird in Hand

Address of Premises: 100 Tottenham Road, Enfield, N13 6DG

Dear Sir / Madam,

I am writing to you in regard to a recent application for an amendment to a license at the above named premises.

I am disputing the license variation of extending the hours and days during the week when the garden area will be open to customers of the public house. The current license terms are already encroaching on our living conditions, and we have had to call and complain to the council on numerous occasions of the current license times not being adhered to, and the excessive noise and disturbance to our home and garden.

Not only are the noise controls not kept whilst the garden is in use, the public house do not inform customers to keep the noise down when leaving the premises either so we get noise and disturbances from both the rear and front of our house.

We have had items of rubbish left at the front of our house, including half empty alcohol glasses, empty glasses and have even had items thrown over the rear wall into our garden. At the front of our property we have people standing in our driveway smoking cigarettes and marijuana, and have had people urinate in our driveway as well.

The rear garden also has cigarette and marijuana smoke wafting into our garden during the day as well as evening, limiting how we use our garden.

If the current license is not being adhered to and is causing us extensive disturbance which we have already complained about, we would be severely impacted further by the noise and other disturbances if the extended period of garden hours was to be granted.

It being a residential area, and the garden backing onto a residential property the current hours are already a concern and we would like to have them curtailed and the noise kept to a minimum.

Please do consider our petition above as this has a major impact on our home, lifestyle and living conditions.

Kind regards,



Annex 6

Supporting Information from the Applicant

I have already sent you the picture of the new fire doors opening outwards to eliminate any fire hazards from the garden and providing an escape route from the garden in the event of a fire, if the bars are pushed they would open with ease. It was brought to our attention that as the previous gates opened inwards it would be harder to use the gates as the main escape route from the garden and the number of customers using the garden should be limited for safety reasons. These gates lead onto Wolves lane, we had them changed to open outwards as we take the safety of our staff and customers very seriously.

In total we have 21 cameras covering inside the pub, the garden area and the roads completely surrounding the pub, the roads alongside the pub (Wolves Lane and Tottenham Road) as we take public safety very serious. On many occasions over the past 8 years the Police have used our CCTV to catch other offenders as they also cover the beginning of the roundabout opposite the pub, and roads opposite.

We currently provide 2 door security on Friday and Saturday nights from 8 pm and are happy to employ another Door security that would work outside in the garden to prevent any disturbance to the neighbours through noise control, they would make sure that the noise levels are kept at a low level from 8 pm at weekends and if the licencing team or committee feel it is needed during the week from 8 pm.

We feel it would be easier for us to control noise levels in the garden, currently the customers are allowed to drink outside the front of the pub where it is a public road and to some extent do not have the power to stop customers walking away from the pub and drinking their drinks outside neighbours front gardens and making noise, we can ask them to come back and drink outside the front door which would allow us to control the noise levels but if they walk away it would not be possible for us to prevent them making noise. Currently when customers want to go to the garden after 11 pm they have to leave their drinks unattended and feel it this is not in the interest of public safety. Our customer base has changed from being a male oriented pub to mixed, both males and females and a lot more couples coming in. we feel leaving drinks unattended it not in the interest of public safety.

The photos I sent you are of minatures and cans (we do not sell these items) that we find in the morning and evening that people leave on our windowsills and outside our neighbours gardens not sold from our premises, the canisters are of the alleyway that runs behind the garages at the back of our garden and also the neighbours gardens. The police are aware that the youths gather there and drug activities take place such as taking drugs and selling them. we have had neighbours phone us during the day and complain of the smell of drugs (no customers were in the pub or in the garden) the smell was coming from the alleyway but they thought it was coming from our premises. under no circumstances would we allow any drug activity to take place in the pub or in our garden. we have cleaned up the pub since we arrived in November 2011 when it was a known drug pub. The video is of our pub

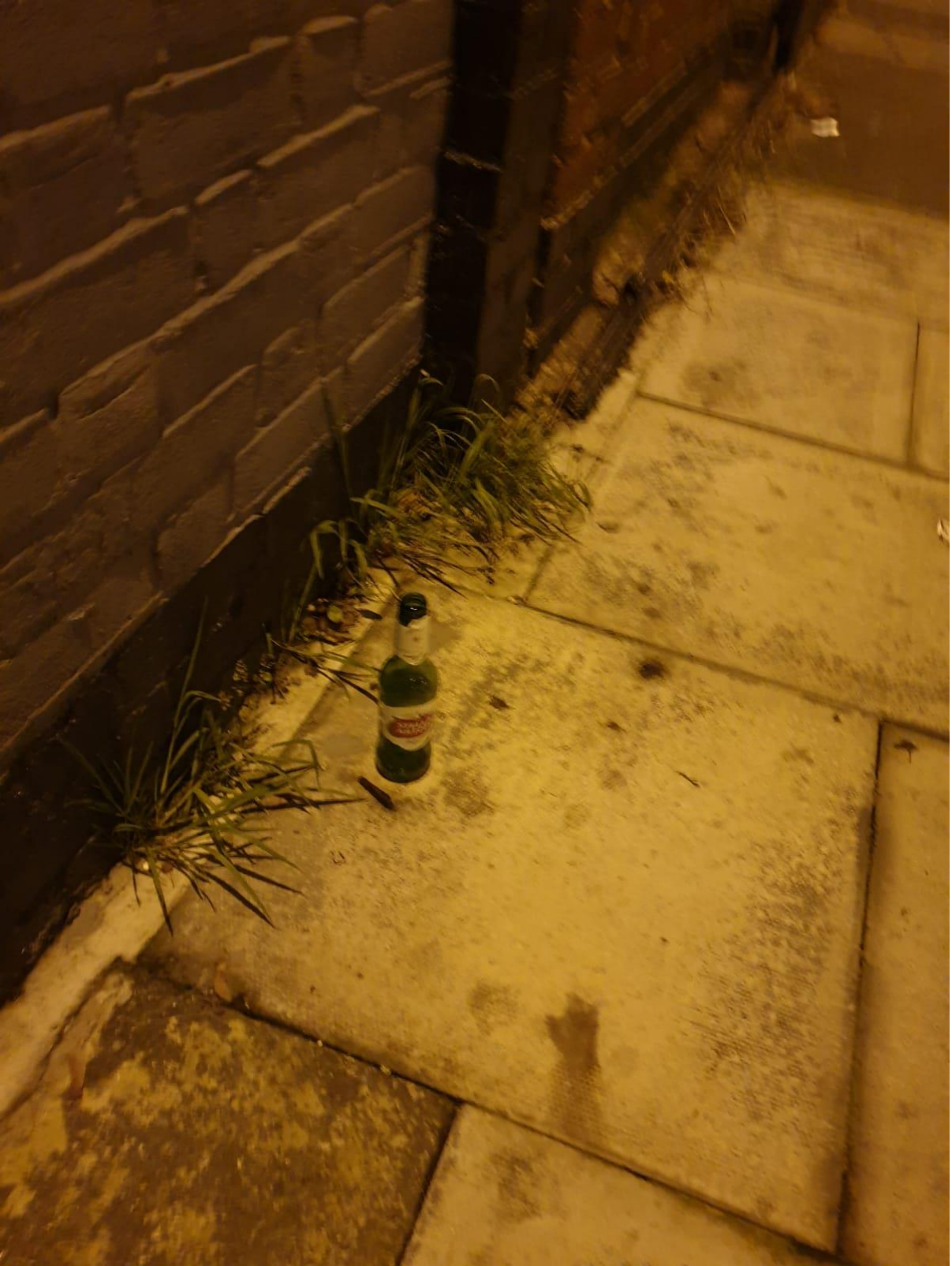
when the music had not started inside but was the music from a neighbours party, 22 people telephone the pub to tell us to turn down the music thinking it was our music but the video show evidence that it was not us.

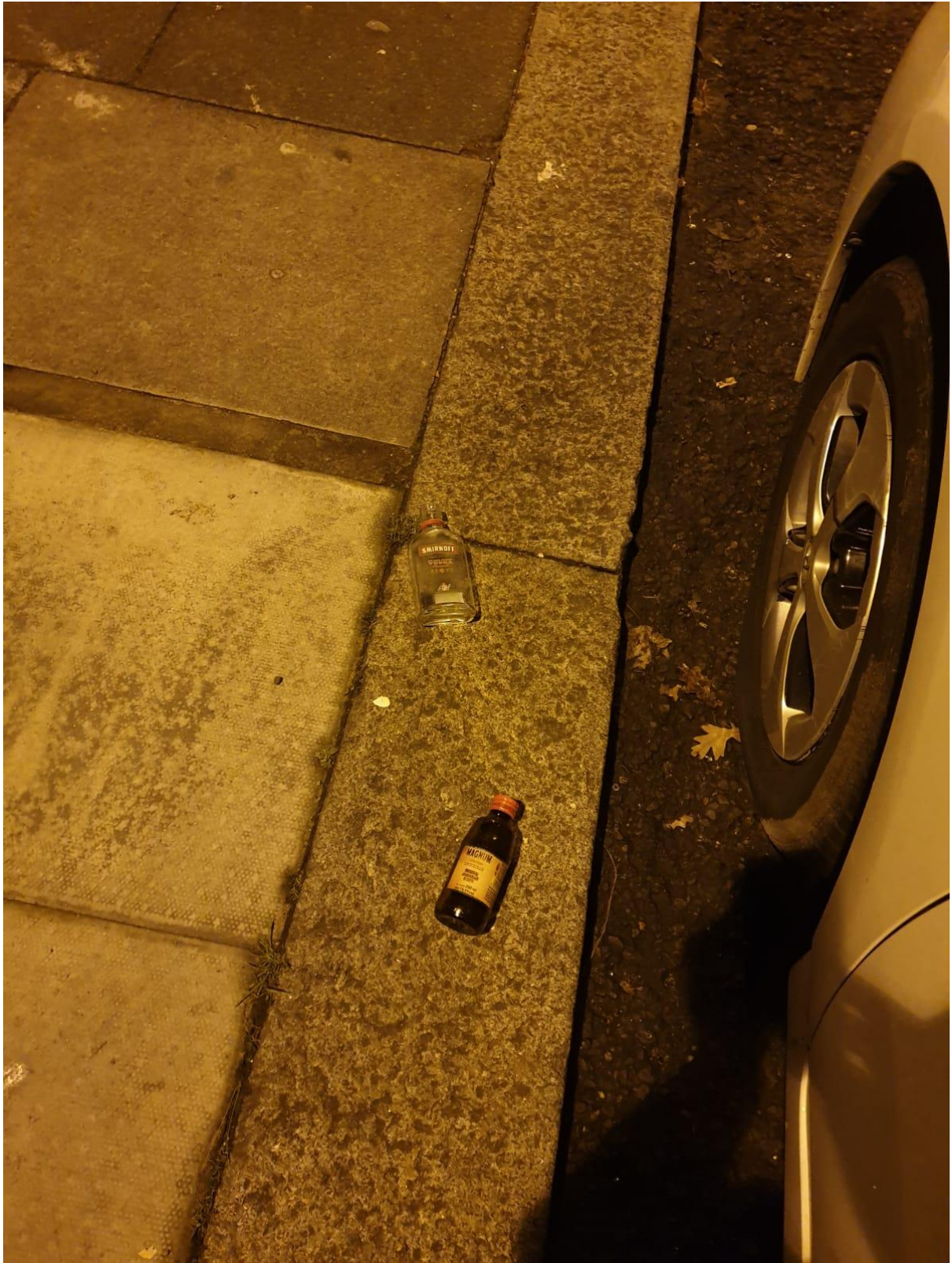
Please find attached some pictures of the outside of our pub and outside our neighbor's premises that we find on a daily basis. As you can see they are miniatures or cans that are not sold in our premises.









































Please find attached some pictures from outside our premises and our neighbor's house as you can see they are miniatures and cans that we do not sell























More pictures of the outside of our premises and our neighbor's house















Please find attached some pictures of the alley way which runs alongside of the back of our pub you will see from the pictures gas canisters which are used to inhale balloons. You will also see cigarette butts of cannabis.

The photos of the gas canisters are of the alleyway that runs along everyone's gardens and behind the pub at the back of the garden not in our garden or in front of the pub. Lots of youths gather there. I took pictures of them as well but they are very young between the ages of 12 and 16. I was advised not to use them as i could get into trouble.





















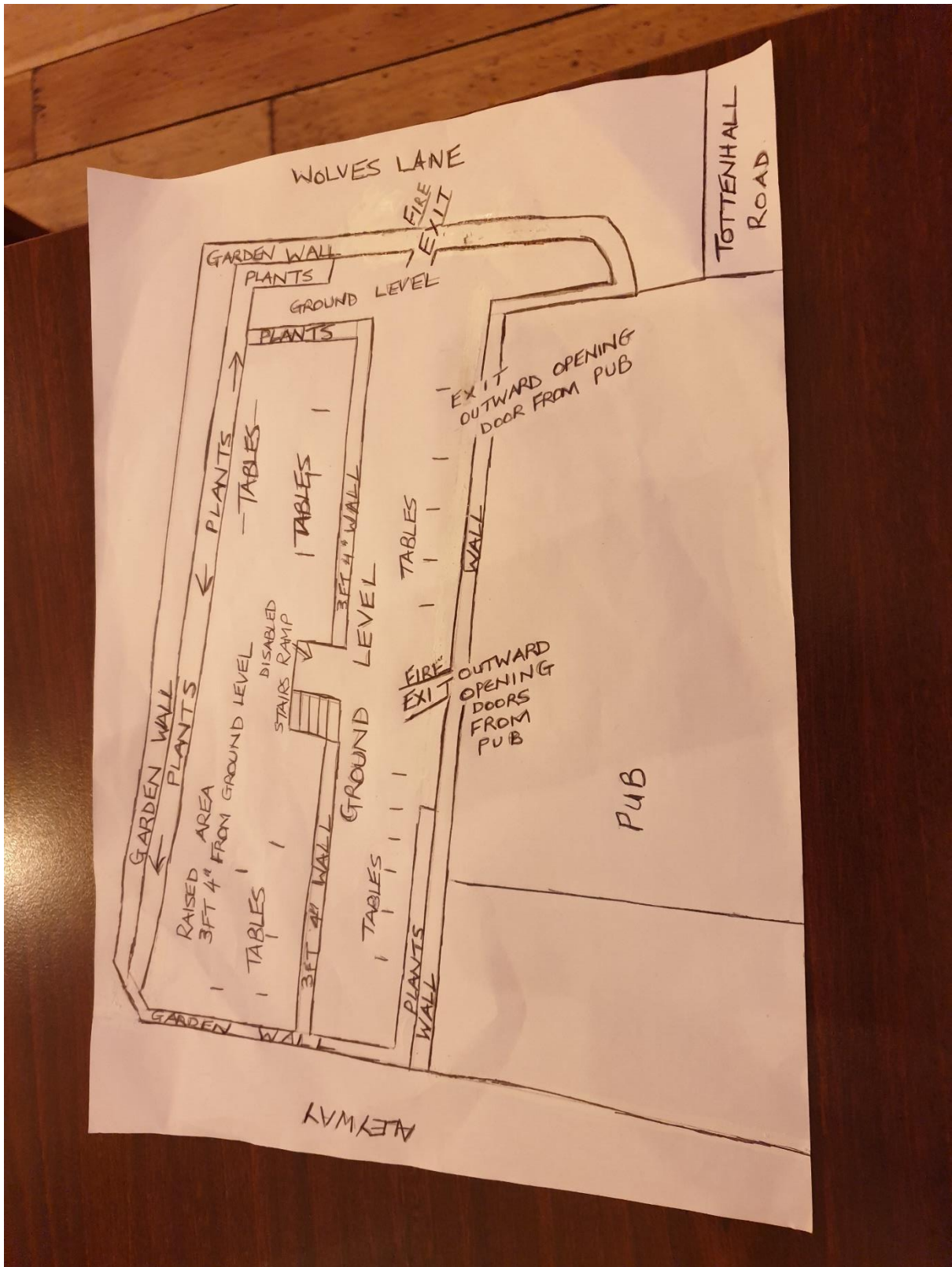
17/11/19

We have had new doors put on the garden to eliminate any problems if a fire broke out in the pub. The escape route doors now open outwards.

I hope this is satisfactory to the licensing team.



17/11/19 Please find attached a drawing of the garden.



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Letter from Labour Party and Response from Premises Licence Holder



Enfield Southgate Constituency Labour Party
19 Spencer Avenue
London
N13 4TS
10.10.2019

**The Proprietor/Manager
The Bird in the Hand Pub
100 Tottenham Road
N13 6DG**

Dear Leyla

We were recently happy to host an event at The Bird in Hand and many thanks for that. So I was sorry to receive an account from one of our members regarding an unfortunate incident which took place there not long ago. (please see their statement below) I would be very grateful if you would take the trouble to make some investigation from your side and get back to me on this. Our member is most upset and I would hope to find a way to help them move forward from what appears to be a distressing experience. Please see the account below:

"On the evening of 18/09/19 I attended the Bird in Hand public house to watch a football match on TV. When attempting to leave at about 19.50 I noticed that the exit door onto Tottenham Road was locked. This is a fire door and I brought it to the attention of the manager. He said they were going to have some work done so it was locked. I pointed out that it was a legal obligation to unlock fire doors while the premises was occupied. At this point the conversation became heated and I was told to 'Call the fucking Police, call the fucking Fire Brigade' I was then manhandled from the premises and my phone was taken from me. I was forced out the door on Wolves Lane. I insisted that my phone was returned. It was, with the photo of the alleged manager deleted. Once outside, I was assaulted by a member of staff. I phoned the police who recorded the incident as a crime, but were unable to send a vehicle immediately, and I, fearing a further assault, left the area. I later contacted the London Fire Service who confirmed that the fire doors should be unlocked and said they would contact the premises. I understand that Enfield Southgate Constituency Labour Party recently held an event at this premises. I am requesting that you contact the establishment to firstly ask for their response to my accusation, and should that prove unsatisfactory, to ensure that we do not book any further events there, and seriously consider asking our members to avoid it. It may well be that they have a CCTV recording of the event should they wish to contradict my version."

I look forward to hearing from you,
Kind regards

Thushara Dassanayake
Enfield Southgate CLP Secretary.
enfieldsouthgatesecretary@gmail.com

Sent 24/10/19
(Thushara MP)

Ms L Hassan
The Bird In Hand Public House
100 Tottenham Road
Palmers Green
N13 6DG
23rd October 2019

Dear Thushara,

Thank you for your letter dated 10/10/19, I am very concerned to hear from you under these circumstances. We pride ourselves in the good customer service we provide to the public and we always receive good feedback from them. We are conscientious publicans who take our positions very seriously. As both myself and my business partner have been members of the Labour Party for over 30 years, we feel strongly about what we have been accused of as it is not a true account of what fully happened.

On that day I was not present as I had to attend my sister's funeral but was informed the following day of the incident, I watched the CCTV footage of what happened, it is correct the gentleman came into the premises and immediately started to make a fuss and complain the sun was shining in his eyes, he attempted to close the blinds to which my business partner Ali asked him to leave the blinds due to health and safety regulation and in case of an accident, he told the gentleman to inform a member of staff in future who would be able to do this for him, Ali then closed the blinds for him.

After the football game finished the gentleman tried to leave through the door on Tottenham Road (a fire exit door) but found it locked, he started to shout that this was a fire exit door and he knew the rules that all fire exit doors need to remain open, the staff member explained indeed that was correct and opened the door for him apologising for the door being locked, she then informed management (Ali) who again apologised again for the door being locked and tried to explain that there was works going on next to the door (restaurant) and even though it is a fire exit door the other 4 doors to the road were all open.

This gentleman would not accept the apology from the 3 members of staff and continued to be aggressive towards them, he continued to shout and swear using language that is not acceptable especially as families and children were on the premises. He started to record and take pictures on his phone and a customer told him to stop recording his children, he did not want pictures or videos of his children on the gentleman's phone, he asked him to delete everything that he had recorded. At this point the gentleman proceeded to walk to the Wolves Lane door and the door was opened by a member of staff, he continued to record customers and staff, he was asked to stop swearing, stop using this type of language, stop recording customers and staff as it was distressing the children, he ignored the request and started to take pictures of this member of staff to which the member of staff put his hand in front of his phone to prevent any more images being taken. The telephone got hit and fell out of the gentleman's hand falling to the floor, the staff member picked it up and deleted all recordings and images taken inside the premises, reassuring the families nothing was left of their children. The gentleman left throwing abuse at everyone saying he would be back and he would inform the "fucking Fire brigade" and police of the incident. Indeed, the fire brigade did

attend our premises a few days later and all the paperwork they required was given to them and an inspection took place.

Staff then called the police and reported the incident as he was still pacing up and down the road with the phone to his ear, he was informed by the officer that as the gentleman had already left the premises, they would not attend but to call them back if he returned and was causing a problem.

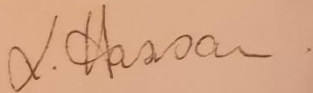
There are 5 exits to the main road 4 of them were open the only one locked which we know should not have been locked was the one the gentleman tried to open. I have informed all staff that all 5 doors must remain unlocked at all times whilst the pub is open even whilst the works are being carried out and checked daily.

This incident should not have happened had the fire exit door been open, the premises was busy that evening and should you require an independent witness to the incident I would be happy to ask customers that witnessed it if they would be happy for me to pass on their details to you.

I hope this gives you a better understanding of what happened that day and had you contacted me sooner it would have been possible for you to have looked at the CCTV yourself, unfortunately our system only keeps recording for 31 days. I hope this does not prevent the labour party or any individuals from attending our premises in the future as we strive to provide the best service to our community.

I hope you find my account of the incident satisfactory and please forward my apology to the gentleman if he feels someone in my establishment treated him unfairly.

Yours sincerely



Leyla Hassan

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Sept 26/10/19.

25/10/19.

Licence officer Erfield Council

I am writing to you as I witnessed the event that took place when the fire exit door was left locked. I go to the pub 2 a week with my son to watch the football matches. I take my son with me as it is a family friendly pub and feel comfortable with my son who is only 7 years old. On this occasion a man was making a fuss about the sun shining in his eyes and tried to close the blinds, he was told to ask a member of staff to do it for him as it was a health and safety issue to which he just laughed in his face. During the match his language was very aggressive towards the players and kept swearing. When he tried to leave he found the door locked he started to swear at the lady working behind the bar. Another member of staff went to get the keys and said he would open the door for him. He

Just kept swearing and throwing abuse at the barman. The barman apologised and said the door was closed due to works commencing soon and he was aware it should not have been locked and again apologised. The man just kept swearing and saying he was going to phone the "fucking fire brigade" and get the place closed down. He then started to swear at me because I tried to calm him down. Then he started to take pictures of people in the pub including videos of my son. I got angry and told him to stop and to delete the videos and pictures of me and my son, he didn't he just kept recording on his phone, I told the owners son who told him to delete the photos and leave the premises, he didn't do this he kept on recording. I told him again to delete that but all he kept saying was he was going to phone the fucking fire brigade. At all times the staff and owner kept calm and

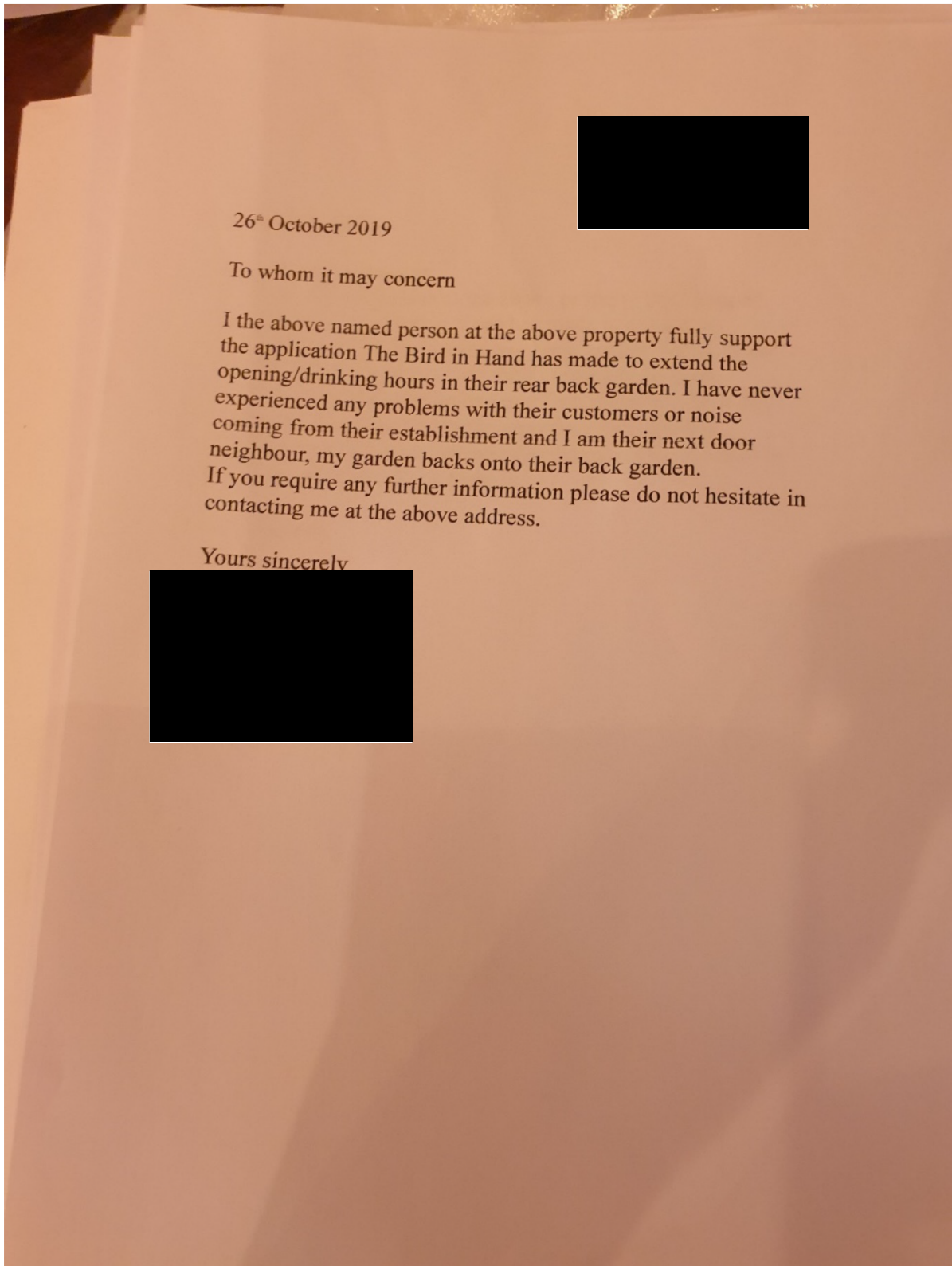
ed to calm the man down then as he was leaving he tried again to record other people in the pub including other families. The owners son put his hand in front of the phone to stop him and the phone fell out of his hand. He picked it up and deleted the recordings including pictures of me and my son. He then left the pub and made other calls outside the pub. He kept walking up and down passed the pub. I told the owners son to call the police as he looked like he was calling people to come down to the pub and I felt uncomfortable for the first time as my son was with me. The owners son reported it to the police but as he had already left the pub they told him to call back if he tried to come in again. I witnessed the whole event and the owner, his son and the staff all stayed calm and was not rude to him at all.

I hope this clarifies what happened on that day.

Yours faithfully [REDACTED]

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The following letter has been sent in by 5 different residents, each providing their name and address. The residents all live on Tottenham Road.



26th October 2019

To whom it may concern

I the above named person at the above property fully support the application The Bird in Hand has made to extend the opening/drinking hours in their rear back garden. I have never experienced any problems with their customers or noise coming from their establishment and I am their next door neighbour, my garden backs onto their back garden. If you require any further information please do not hesitate in contacting me at the above address.

Yours sincerely

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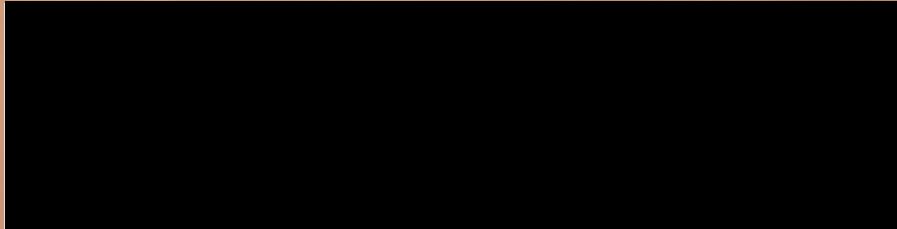


28/10/19.

licensing Committee

I am writing to give my support for the rear beer garden to be kept open until 00:00 Sunday to Thursday and 01:00 Friday and Saturdays. I give my full support to their application to allow drinking in the rear garden until these times. My back garden backs on to their back garden and have never had any problems coming from the pub or their garden.

Yours sincerely,



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Sent 26/10/19

26/10/19

Dear Sir/Madam.

I am writing this letter today because when I was in my local Pub, I was shown a letter from an MP regarding an incident that I witnessed to. I was in the Pub with my daughter's (3 Twins) and 10 year old watching the Football. A man started to shout and scream at the staff behind the bar. He was asked to calm down as there was Families + children in the Pub. He was complaining about the Fire door being locked. I thought that was weird as there ~~other~~ main door was open in case of a fire anyway. The staff did open the door for the gentleman and apologised but the man just kept swearing and shouting at the top of his voice, he was also videoing and taking pictures of everything that was going on. It made me and my children feel very uncomfortable and many others in the Pub was very unhappy with the man's behaviour. The owner and son did ask the man to stop and leave but he just kept on. We was going to call the Police. Taking pictures and videos of people's family is very uncalled for. The man's phone did fall to the floor and ~~he took it~~ ^{he took it} to him after everything was deleted. I do not have any images of my kids on someone's phone that I do not know. everyone in the Pub was uncomfortable as this is a Pub that we always felt -

26/10/19

comfortable and very welcome, this pub is very warm and the staff are lovely.

What he wrote to the MP is incorrect. the pub owners are very professional and deal with things the correct way, the pub has been cleaned up very nice from how it looked when it was taken over. Since coming to this place we never look at any other place as it is so welcoming here.

Yours faithfully

[Redacted signature]

[Redacted address]

Annex 7

Proposed Conditions

Annex 1 - Mandatory Conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Children under 18 years old shall not be permitted on the premises after 21.00 unless accompanied by an adult.

APPLICANT SEEKS REMOVAL OF EXISTING CONDITION 3 AND REPLACING WITH:

3A. The use of the rear beer garden shall be permitted until last orders (Sunday to Thursday 00:00 midnight, Friday and Saturday 01:00). After 22:00, a member of staff must at all times be present in the beer garden and monitor noise levels to ensure no disturbance to local residents.

LICENSING AUTHORITY WISHES TO KEEP EXISTING CONDITION 3:

3B. The use of the rear beer garden shall be limited from the permitted opening hours to 23.00 on Monday to Saturday and from permitted opening hours to 22.30 on Sunday. After these times, this area may only be used as the designated smoking area, with a maximum of 10 people at any one time. No alcohol or glassware shall be taken into this area after these times.

4. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly from 20:00 until closing time, whilst licensable activities are provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer

of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

5. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

6. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

7. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

8. Toilets at the premises shall be checked for any sign of drug use on average of every two hours between 10:00 and closing time at all times licensable activity is taking place. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police upon request.

9. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
10. There shall be no entry or re-entry of patrons to the premises after 00:00.
11. With the exception of access and egress, all external doors and windows shall be closed when the premises are in use for the purpose of licensable activities.
12. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
13. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
14. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
15. A minimum of two door supervisors shall be employed on the premises on Fridays and Saturdays from 20:00 until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands.
16. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night.
17. All tables and chairs from the front outside area shall be removed by 23:00.
18. Provide wall mounted ashtrays and litre bins outside the premises.
19. No children shall remain at or enter the premises after 23:00 hours.

ADDITIONAL CONDITION OFFERED BY APPLICANT:

20. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue**
- (b) all ejections of patrons**
- (c) any complaints received**
- (d) any incidents of disorder**
- (e) any faults in the CCTV system**
- (f) any visit by a relevant authority or emergency service**

- 21. On Friday and Saturday at least one additional door supervisor (three door supervisors in total) shall be positioned in the garden area from 20:00 until the garden closes. The duties of this door supervisor shall include the supervision of persons using the area to ensure that use of the area does not cause a nuisance to local residents, to ensure the capacity limit is not exceeded and to ensure the doors leading to the garden from the building are not left in the open position during regulated entertainment.**

PROPOSED BY LICENSING AUTHORITY IF LSC IS MINDED TO GRANT THE MODIFICATION TO CONDITION 3 AS SOUGHT BY APPLICANT:

- 22. The garden shall not be used for regulated entertainment at any time.**
- 23. The whole of the garden area shall be covered by CCTV.**

Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

LICENSING SUB-COMMITTEE - 16.10.2019**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 16 OCTOBER 2019****COUNCILLORS****PRESENT** (Chair) Chris Bond, Mahmut Aksanoglu and Chris Dey**ABSENT****OFFICERS:** Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)**Also Attending:** (Item 3)
2 representatives on behalf of Espresso & Co (applicant)
1 x Interested Parties (IP2)
Councillor Maria Alexandrou, Winchmore Hill Ward Councillor (observing)
(Item 4)
Councillor Edward Smith, Cockfosters Ward Councillor (applicant) and 4 local residents
2 representatives on behalf of Fancy Fair Markets Limited**271****WELCOME AND APOLOGIES FOR ABSENCE**

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

272**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest.

273**ESPRESSO & CO, 14 THE GREEN, WINCHMORE HILL, LONDON N21 1AY (REPORT NO. 118)**

RECEIVED the application made by Mr Metin Cengiz for the premises situated at Espresso & Co, 14 The Green, Winchmore Hill, N21 1AY for a New Premises Licence.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:

LICENSING SUB-COMMITTEE - 16.10.2019

- a. The application by Espresso & Co was for a new premises licence for a coffee shop at a premises which had been a few different businesses, but none had required a premises licence.
 - b. The application sought opening hours from 07:30 to 22:30 daily, with alcohol on-sales 11:00 to 22:00. The garden was included in the plan to be attached to the licence and therefore only on supplies of alcohol were required.
 - c. The applicant Mr Metin Cengiz was the proposed premises licence holder and designated premises supervisor.
 - d. The Licensing Authority originally made representation in respect of conditions: these were agreed and the representation was subsequently withdrawn. The agreed list of conditions was set out in Annex 5 of the officer's report.
 - e. No other responsible authorities made representations.
 - f. Five representations were received from other interested parties who were local residents: referred to as IP1 to IP5 and set out in Annex 3 of the report. The objections were based on all four licensing objectives, and the residents lived in The Old Dairy Square and The Green.
 - g. The applicant had provided additional information in Annex 4 of the report.
 - h. In attendance at the hearing were the applicant and his business partner, and IP2 on behalf of the local residents.
2. The statement on behalf of the applicant, including:
- a. This property had been a coffee shop for over five years, and was currently a community coffee shop, where the newly reformed local residents' association had held a meeting recently.
 - b. The simple menu at the premises was shown. Their A1 licence meant food could be re-heated only. There was no extractor. However, the premises was located between two restaurants, and close to 'The Larder' which was licensed with an outside seating area and ran a regular supper club to 22:30. Espresso & Co had no wish to operate in a restaurant manner.
 - c. No application had been made for any entertainment licence.
 - d. The application was for alcohol to be consumed only on the premises. There would not be alcohol taken from the premises to The Green.
 - e. Opening until 22:00 was anticipated only for an occasional community event, less than once per month, and evening garden use even less frequently. The normal coffee shop closing time was envisaged as 17:00 as at the moment.
 - f. The proposed drinks menu was shown in the agenda pack. The business was a family run coffee shop, but customers may enjoy a glass of wine or gin and tonic to accompany a light meal. There would be promotion of local producers.
 - g. The licence requirements would be taken seriously. Staff would be trained, alcohol sales carefully monitored, and no alcoholic drinks would leave the premises.

LICENSING SUB-COMMITTEE - 16.10.2019

- h. The garden was tiny and could not be allowed to hold more than 16 people seated.
 - i. There would be no emptying of refuse outside of working hours.
 - j. There would be no deliveries outside of working hours.
 - k. No external speakers would be allowed.
 - l. A Temporary Event Notice (TEN) was obtained for an event during the summer which ran to 20:00 with alcohol, and there were no complaints.
 - m. Protection of children from harm was taken seriously. 'Challenge 25' would be in operation. The designated premises supervisor would always be on the premises and also monitor customer behaviour.
 - n. Typical customers at the premises were aged 30 to 70, affluent, professionals, and parents.
 - o. The applicant was happy to accept all the proposed conditions to the licence.
 - p. The applicant was not intending to change the nature of the business, and was not anticipating opening until 22:00, but had taken officers' advice when submitting the application. This was a family business which wanted to be part of the community.
3. Questions were responded to, including:
- a. In response to Councillor Aksanoglu's query about the business's anticipated realistic timings, it was confirmed that day to day opening would be to 5pm. Events were not anticipated later than 8pm finish. However, officer advice was to apply for 10pm to cover all eventualities.
 - b. In response to the local resident's query why 10pm was applied for and that it might set a precedent, it was reiterated that officer advice was taken in respect of appropriate maximum times applied for, but the applicant would be happy to reduce the times as it was not the intention to routinely open until 10pm.
 - c. The applicant advised that he would be happy to limit the use of later hours to a set number of times per year, and to agree to a condition to that effect.
4. The statement of IP2 on behalf of local residents, including:
- a. She was speaking on behalf of five other residents, who mainly lived in The Old Dairy Square, which was in acute proximity to the premises.
 - b. Her property was only separated from the premises by fences and sound could travel easily. Closing at 5pm was reasonable and did not cause problems. Later opening could be mitigated with limited occasional use.
 - c. Serving of alcohol could lead to greater noise and smoking in the premises' garden. This would be concerning even at 8pm as her young son's bedroom was only 6 metres away and would have the window open in summer. There was also a young child two doors down. She would like consumption of alcohol to be kept inside the main building.

LICENSING SUB-COMMITTEE - 16.10.2019

- d. She acknowledged that The Larder ran a supper club about once a month but that was inside largely.
 - e. She was supportive of this local business, but concerned about setting a precedent if the application was granted and would prefer that alcohol was not allowed in the garden and that the garden was not used after 5pm.
 - f. The ambient level of noise in the summer was described as remarkably quiet and that few of the residences had a back garden.
5. The Chair suggested a brief adjournment to allow mediation between the parties.
 6. The hearing resumed after a 30 minute adjournment. Ellie Green (Principal Licensing Officer) advised that the parties were grateful for the opportunity for discussion, and that applicant wished to amend the application as follows: general daily use 11:00 to 20:30, with alcohol on sales to 20:00; and 12 events per year at the originally applied for times. An additional condition had been offered that alcohol would be served in the garden only when accompanied by a table meal.
 7. The summary statement of Ellie Green (Principal Licensing Officer) that having heard all the representations it was for the Licensing Sub Committee to consider if the application was appropriate and in promotion of the licensing objectives. The steps were set out in para 7 of the officers' report, together with further guidance and policies in para 5.
 8. The summary statement of IP2 that she was grateful for the steps agreed to limit the events and the additional condition, but remained concerned about late use of the garden area, which would have the most significant impact, even to 20:30. There was potential for noise and smoke and she would prefer a closing time of 19:00, or that smokers be directed outside to the front of the premises rather than the rear. The concerns on behalf of the residents were also about precedent and mitigation for the long term future. The comments of the Legal Officer were also noted that smoking was not a licensable activity and could not be controlled by the premises licence.
 9. The summary statement on behalf of the applicant that residents' concerns were appreciated and that it was acknowledged that if the use of the licence proved problematic there would be an opportunity to request a review of the licence, or variation to reduce hours or amend conditions.

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

LICENSING SUB-COMMITTEE - 16.10.2019

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:

“We have carefully considered all the information supplied both before and during this hearing. We are aware because we allowed an adjournment for the parties to negotiate their differences, that there was a possibility of some agreement. We were happy to see that the parties’ positions had drawn nearer even if in the end they were unable to resolve their differences completely. We believe the changes to the operating schedule and additional conditions offered by the applicant today are fair and reasonable. We appreciate the Interested Parties might feel they could have been tighter, however if the additional hours granted prove to be a problem for local residents they are able to call in the licence under the review procedure.”

3. The Licensing Sub-Committee resolved that the application be granted in full as amended as follows:

- (i) Licensing Hours and Activities:

Activity	Final Times determined by LSC	
Opening hours	07:30 – 20:30 daily	
Supply of alcohol (on supply)	11:00 – 20:00 daily	Non standard timings For 12 times a year the sale of alcohol will be permitted to 22:00

Conditions (in accordance with Annex 5):

- (i) Conditions 1 to 15, which are not disputed

- (ii) **AND**

16. Alcohol shall not be supplied in the garden area otherwise than to persons consuming table meals.

LICENSING SUB-COMMITTEE - 16.10.2019

17. The licence shall only be used for the non standard times for a maximum 12 events per year.

274

**LAND, BRAMLEY SPORTS GROUND, CHASE SIDE, LONDON N14 4QB
(REPORT NO. 119)**

RECEIVED the application made by Councillor Edward Smith for a review of the Premises Licence (LN/201801062) held by Fancy Fair Markets Limited at the premises situated at Bramley Sports Ground, Chase Side, London N14 4AB.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for review of the premises licence at the land known as Bramley Road Sports Ground. The premises licence was held by Fancy Fair Markets Limited.
 - b. The new premises licence was applied for in March 2019 this year and had received 151 representations, from local residents against the grant of the application. The application had been granted by the Licensing Sub-Committee, with reduced hours sought and additional conditions, as set out in Annex 2 of the report.
 - c. The new premises licence was for a four day family event, including alcohol and regulated entertainment, to take place yearly Friday to Monday on the second bank holiday in May, with opening hours 10:00 to 21:00 and sales of alcohol to end half an hour before closing.
 - d. This review application was made by Councillor Edward Smith, Cockfosters Ward Councillor, on behalf of and in consultation with local residents. The review was sought on all four licensing objectives, and the application was set out in Annex 3 of the report.
 - e. The licence holder had responded to the review application as set out in Annex 4 of the report.
 - f. All the responsible authorities had been consulted and no representations had been made in response to the application.
 - g. The Chair of SAG had not submitted a representation, but provided comments as set out in para 3.5 of the report.
 - h. There had been no other representation in support or against the application, but it was understood the review was brought in consultation with local residents and sought revocation of the licence in its entirety.
 - i. It was for the Licensing Sub-Committee to consider whether the review application supported the four licensing objectives.
2. The statement of Councillor Edward Smith, Cockfosters Ward Councillor, including:

LICENSING SUB-COMMITTEE - 16.10.2019

- a. There were a large number of objections at the time of the premises licence application, and he was representing the objectors as there was a considerable degree of concern still about what happened at the event.
- b. He attended a debriefing meeting with local residents after the event which went through the problems that had arisen and concluded that a submission would be put forward to review and seek revocation of this licence.
- c. There was very thorough evidence from the residents and he agreed with their comments and that there were issues of major concern.
- d. The comments from the premises licence holders were not helpful in their tone, and he took exception having been a councillor for over 20 years.
- e. This event was not similar to the Winchmore Hill Fancy Fair event which was non profit making and frequented by local people as opposed to this commercial festival which attracted people from far and wide, many of them coming by car.
- f. The Bramley Sports Ground was unsuitable as the location for this event and had more people turned up there would have been more problems.
- g. The most important objection was the level of noise created, from the PA system and the music. There had been lack of clarity around the noise levels. One of the residents took measurements himself and the figures were included in the review application. Noise levels were exceeded on all days and all times. The Council had also found levels too high. This showed poor noise management.
- h. The next major concern was traffic management. No car parking provision had been provided in the end. There had been no parking at Oak Hill College: there were not 1000 spaces arranged as had been stated at the Licensing Sub-Committee hearing in April. This meant that attendees had to park in adjacent roads and there was a complex traffic management plan whereby residents had to use a password to access their own road which led to several heated discussions between marshals and residents. The traffic management staff did not perform well, but the ultimate responsibility lay with Fancy Fair Markets Limited.
- i. A further issue was the damage to Saracens' sports ground. There had been concern regarding lack of liaison and the damage thereafter. The process had not been managed properly.
- j. There had been issues with compliance with conditions, including lack of car parking provision, working outside of agreed hours, music beginning early each day, high levels of noise, and with notices provided in respect of times the fair would be open. As there were so few attendees the operators left earlier than the specified times.
- k. It was considered that this event causes a great deal of disruption, not just during the festival days but it required several days to put in place and to take down afterwards. There was well over a week of disruption when the sports ground was not available for recreation to residents. At the start of the summer local people had found the park they loved to

LICENSING SUB-COMMITTEE - 16.10.2019

use was not available and when they tried to walk through it they found unexpected obstacles to their access.

- l. He expected the financial returns to the Council from this event in 2019 to have been meagre.
 - m. Several residents were also present at the meeting to support the comments made.
 - n. Clarification was given to the Chair that the debriefing event was organised by residents, for invitees only, and having collaborated to object to the original application had made one submission for review of the licence on behalf of all the neighbours rather than sending individual representations. Officers' advice had also been to do this.
 - o. People living in Bollingbroke Park had no idea about the event until the gear arrived, and if they had been aware previously there would have been more letters of objection. Also, residents had not connected recent signs displayed at the site to being able to object to the Fancy Fair event. Officers confirmed that there were official notices prepared in accordance with regulations and titled 'review'.
3. The statement of Mr Adrian Webb, event organiser, including:
- a. The residents seemed to be acting in opposition against the event organisers, and had not extended an invitation to the debriefing meeting to give them the opportunity to enter into a conversation. At other events it was usual to meet with the residents.
 - b. The Cockfosters Fancy Fair event was a larger version of the event at Winchmore Hill in the size of the plot, but it was the same sort of event, and was a community event. Over 3000 attended this year (40% were children) and it was a lovely day out.
 - c. There had not been problems on event days. Emergency response had been required for two people attending, but that had been nothing to do with the event itself. There had been no alcohol abuse or fighting. This was a community event and the numbers of children and families were as expected, with lots of people walking to the event.
 - d. It was unfair to suggest he was an unsuitable operator: he had a 30 year clean record in licensing and arranging events. He considered the performance to have been good. It was the first time this site was used and the company had learned a lot and had a debriefing with SAG with a proper round table discussion with all services in attendance. The minutes had been provided.
 - e. The security company contracted had not been up to Fancy Fair required standards, and they would not be working with that company again. There would be a new contractor going forward at all their events. The St John Ambulance provision had also been disappointing as they were also covering another festival as well and had not given them the support they needed. In future there would be a paramedic team under contract.
 - f. In respect of noise levels, over the three days Council officers and their own health and safety advisor trained in taking noise readings took

LICENSING SUB-COMMITTEE - 16.10.2019

measurements. Noise levels were kept to as set by the Council and the professional employed beforehand to advise on the stage position. None of the stage PA systems were started before 10:00am. There would only have been turning on and off of amplifiers before then.

- g. It was considered the traffic management had worked very well. It had not helped that there were a few difficult residents who did not wish to be stopped, but the traffic orders were properly in place. There was no congestion. If residents used the password or letter they were waved straight in. He would not want to extend to shutting down more roads, and it was also agreed with SAG that nothing more was needed.
- h. In respect of car parking, this was organised with Oak Hill College as previously advised, but was cancelled at the last minute, and he felt that this was following pressure from residents. There had been several site meetings, and an email agreeing terms, and he was sorry it did not happen.
- i. There had been no damage to the rugby ground. People involved with the festival were total professionals. Walking the ground, having handed it back to the Council who manage it for the trustees, it was commented that the ground was in a better state than before. Three tons of rubbish were taken away, with three people clearing each day of the event.
- j. He acknowledged that some residents did not want this event locally, but he considered there had been little disruption to residents. He would ask that the premises licence be allowed to continue in its present form. For the 2020 event he would start work in the New Year with his professional team and the SAG and comply fully with the licence.

4. Questions were responded to, including:

- a. In response to Councillor Dey's queries regarding noise levels, Mr Webb advised that he used professional equipment, calibrated correctly and operated by professional people to take readings. The residents had some other device that was not calibrated or operated professionally. A noise survey was done by a professional company who set the levels at the check. SAG members and Council officers were on site during the three days of the event. On three occasions residents made phone calls in respect of noise: the contact system worked and a visit was made to listen and take readings. The set levels were not exceeded.
- b. In response to residents' queries that paperwork in respect of the car parking agreement had not been mentioned before, Mr Webb advised that he gave an undertaking that the car parking was being arranged. Any contract would not have been disclosed publicly though a copy was sent to Council officers, and he had confirmed this contract had been arranged.

LICENSING SUB-COMMITTEE - 16.10.2019

- c. Mr Webb refuted the residents' assertions that matting had not been put down when trucks drove onto the ground or that Saracens had claimed money in respect of damage to the sports ground.
 - d. In response to residents' queries that all traffic measures should have been taken away immediately after the event, it was clarified that everything was removed the next day and that Mr Webb picked up two signs that were left behind and missed by the company.
 - e. Mr Webb did not agree that there had been dismantling and moving of the funfair after 21:00 and up to 00:00.
5. The summary statement of Ellie Green, Principal Licensing Officer, that having heard all the representations it was for the Licensing Sub Committee to consider whether the review application was appropriate and in support of the licensing objectives. The potential steps the Sub Committee may be minded to take were set out in the officers' covering report, along with relevant guidance and policies to assist.
 6. The summary statement of Councillor Edward Smith, Cockfosters Ward Councillor, including that irrespective of readings taken by residents, the Council's noise consultant did take regular measurements of noise levels as set out in Appendix 2 to the SAG minutes and the levels set in the licence were exceeded at regular intervals at every day at every receptor point. He also noted that Mr Webb had a history at this event of falling out with people: getting rid of the traffic management contractors, failing in an agreement with Oak Hill College, and not having proper liaison with Saracens. Residents had severe concerns that the issues would reoccur next year, particularly if a larger number of people were to attend.
 7. The summary statement of Mr Adrian Webb, event organiser, including that the residents had been unduly negative about this family event. The conditions of the licence had been complied with, and the SAG team were involved on the day and did not have concerns. At the post event meeting there had not been a single comment in respect of the event not going forward and no recommendations to change or review anything, and he would like the premises licence to continue in its current form.

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.

LICENSING SUB-COMMITTEE - 16.10.2019

2. The Chairman made the following statement:

“Having read all the papers supplied and listened carefully to all the oral representations made today, the Licensing Sub Committee could not find any evidence that the four licensing objectives are undermined by the licence granted to Fancy Fair.

It is clear that the residents who have appeared today do not want this event to continue in future years. However it is clear from the lack of support by responsible authorities for this application there is no evidence to support it.”

3. The Licensing Sub-Committee resolved that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:
- (e) No changes to be made.

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LICENSING SUB-COMMITTEE - 6.11.2019

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 6 NOVEMBER 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Derek Levy and Jim Steven

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), PC Karen Staff (Metropolitan Police), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Marian Nantu (Pravalia De Acasa representative)
1 x Press representative

287

WELCOME AND APOLOGIES FOR ABSENCE

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

288

DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

289

**PRAVALIA DE ACASA, 428 GREEN LANES, LONDON N13 5XG
(REPORT NO. 139)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence (LN/201200420) held by Mrs Irina Anchidim at the premises known as and situated at Pravalia De Acasa, 428 Green Lanes, London, N13 5XG.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This hearing was to consider two applications, for a review of the licence and for a transfer of the licence, for Pravalia De Acasa, on Green Lanes, N13.
 - b. Currently, sale of alcohol (off supplies only) was permitted from 10:00 to 20:00 Monday to Saturday and 10:00 to 16:00 Sunday.
 - c. Currently, the premises licence holder was Mrs Irina Anchidim and the designated premises supervisor (DPS) was Ms Myroforo Christofi.

LICENSING SUB-COMMITTEE - 6.11.2019

- d. On 16/9/19 an application for review of the premises licence was submitted by the Licensing Authority, on the grounds of prevention of crime and disorder, and seeking revocation of the premises licence in its entirety. A large number of non-duty paid cigarettes had been found on the premises. The application was set out in Annex 2 of the report.
 - e. There had been no written response from the premises licence holder or from Mr and Mrs Nantu.
 - f. As the two applications to be considered at the hearing overlapped, it was suggested that all parties made their representations then the sub-committee members would retire to make the decision notices.
 - g. Mr Nantu was present, as was Charlotte Palmer on behalf of the Licensing Authority, and PC Karen Staff on behalf of the Metropolitan Police in respect of the objection to the transfer of premises licence.
 - h. It was clarified that the licence transfer application had immediate effect, but that if the sub-committee were minded to reject the application it would revert back to Mrs Anchidim.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including:
- a. The review application was to revoke the premises licence in its entirety, based on the prevention of crime and disorder licensing objective as a result of the finding of non-duty paid tobacco.
 - b. On 6/8/19 an unannounced visit was made to the premises by LB Enfield Licensing Enforcement Team officers, the Police Licensing Officer, HMRC officers and a dog handler and dogs from the Wagtail Operation. A number of packets of non-duty paid cigarettes were found. Packets also had foreign labelling and were not compliant. HMRC advised the estimated excise duty and VAT evaded on the cigarettes seized was £6684: this did not take into account any already sold.
 - c. Mr Nantu had attended a formal interview under caution. A prosecution was ongoing.
 - d. It was discovered that Mr Nantu had taken over the business in 2016 but no application to change the licence details had been submitted.
 - e. The plan on the licence was not accurate. Also, several licence conditions had not been complied with. This made officers less confident in the operator.
 - f. It was acknowledged that Mr Nantu had acted quickly to rectify matters, by submitting the transfer application and sitting a licence holder exam for instance. A minor variation application had been completed incorrectly and officers had today explained again what needed to be done, plus the requirement for a personal licence application and a DPS application.
 - g. This was the first time that smuggled goods had been found at the premises, but it was such a large amount that revocation was recommended, even in the first instance, and Home Office guidance on this was highlighted.

LICENSING SUB-COMMITTEE - 6.11.2019

- h. PC Karen Staff had also raised further concerns in respect of the operator's willingness to comply with the law.
 - i. The Licensing Authority still recommended revocation of the licence in its entirety. If the sub-committee was minded not to revoke the licence, then the Licensing Authority would ask that the licence be suspended until full compliance with the licence conditions had been demonstrated, the named DPS had been reinstated or a vary DPS application been granted, and a minor variation to update the plan had been granted.
- 3. Charlotte Palmer responded to members' questions to confirm that Mr Nantu had advised he had been running the business since 2016, but this was only discovered at the inspection as no notification had been sent to the Licensing Team. Legal requirements related to surrender of a licence or giving notice of changes of licence holders.
- 4. The statement of PC Karen Staff, including:
 - a. The Metropolitan Police objected to the transfer application on the grounds of crime and disorder.
 - b. Consideration had to be given to the operator's integrity and desire and intention to uphold the law. Mr Nantu had shown a disregard for the law due to his smuggling actions and sale of non-duty paid cigarettes.
 - c. Licence holders had to promote the licensing objectives, and Police did not have confidence that Mr Nantu would adhere to lawful regulations.
- 5. PC Karen Staff responded to members' questions regarding a spent conviction of Mr Nantu that this was notified as it showed a dishonest character. That crime did not have a direct bearing on a licensed premises as it related to an unrelated fraudulent act, but it was raised in respect of Mr Nantu's character.
- 6. The statement of Mr Marian Nantu, that he was so sorry about what happened and that he was trying to do everything he could. He wanted to give assurance this issue would not happen again and he would do everything to be a good character.
- 7. Mr Nantu responded to questions, including:
 - a. In response to the question from PC Karen Staff, Mr Nantu responded that he did know that the cigarettes were not allowed to be sold legally. The reason he bought them was after talking to people who had a shop like his, but the problem was that he was not given an invoice.
 - b. In response to further questions that bearing in mind the cigarettes were not legal and any invoice would have been fraudulent, Mr Nantu agreed that he did not have the cigarettes on show because he knew they were not legal. The cigarettes had been bought from a man in a van and he knew that was illegal.

LICENSING SUB-COMMITTEE - 6.11.2019

- c. In response to the question that for a first time this had been a large amount of money to invest in cigarettes, Mr Nantu advised this was the amount the seller had and asked him if he wanted to buy.
8. The summary statement of Ellie Green, Principal Licensing Officer, including:
 - a. Having heard the representations from all parties it was for the sub-committee to consider steps which were appropriate and in support of the licensing objectives, as set out in part 5 of the officers' report in respect of the review. Attention was also drawn to the relevant law, guidance and policies and that where a sub-committee determined that the crime prevention objective was being undermined it was expected that revocation of the licence – even in the first instance – should be seriously considered.
 - b. In respect of the transfer application, the sub-committee must decide whether to grant the application or to refuse the application.
 - c. In response to members' queries it was confirmed that if the transfer was refused the licence would revert to Mrs Anchidim, but any revocation of the licence would also apply in that case.
9. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the Licensing Authority considered it appropriate for the licence to be revoked, even in a first instance.
10. PC Karen Staff confirmed that her earlier statement still stood.
11. Mr Nantu reiterated that he was so sorry and this would not happen again.

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 has considered all the representations and has decided to revoke the licence given that the crime prevention objective has been undermined in that the premises have been used for the sale and storage of smuggled tobacco.”

3. The Licensing Sub-Committee resolved to revoke the licence.

LICENSING SUB-COMMITTEE - 6.11.2019

290

**PRAVALIA DE ACASA, 428 GREEN LANES, LONDON N13 5XG
(REPORT NO. 140)**

RECEIVED the application made by Mr Marian Nantu and Mrs Mariana Nantu for the premises known as and situated at Pravalia De Acasa, 428 Green Lanes, London, N13 5XG for a transfer of Premises Licence LN/201200420.

NOTED that this application was discussed alongside the review application as above.

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 has considered the application to transfer the premises licence and has decided not to grant the application as it has a lack of confidence with the applicants running the premises and adhering to the lawful regulations with a premises licence.”

3. The Licensing Sub-Committee resolved that the application be refused.

291

MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting held on Wednesday 2 October 2019.

AGREED the minutes of the meeting held on Wednesday 2 October 2019 as a correct record.

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