

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 18 DECEMBER 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Jim Steven, Sinan Boztas and Christine Hamilton

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer), Balbinder Kaur Geddes (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: (Item 3)
PC Karen Staff (Metropolitan Police Service)
Mr Ali Serbet (applicant)
Press representative
(Item 6)
2 representatives on behalf of Dost Hane (applicant)

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WELCOME AND APOLOGIES FOR ABSENCE

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

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DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

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**EURO INTERNATIONAL, 212-214 CHASE SIDE, ENFIELD EN2 0QX
(REPORT NO. 162)**

RECEIVED the application made by Mr Ali Serbet for a new premises licence at the premises situated at Euro International, 212-214 Chase Side, Enfield, EN2 0QX.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This was a new premises licence application, and the applicant was present at the hearing.

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- b. It had come to her attention yesterday that the applicant wished to request an adjournment due to difficulties he had getting legal representation. Due to the late hour, she had advised that the applicant should come and make the request to the sub committee, but to be prepared also for the possibility for the hearing to proceed.
 - c. Mr Serbet advised that he had many problems to deal with recently in respect of the premises, including financial, and when he found money for a solicitor it had been too late for representation at this hearing.
 - d. Ellie Green clarified that Mr Serbet was the landlord of the premises and that the former tenants/licence holders had vacated without paying the bills. The application had come through an agent and it had originally been advised that a solicitor had been arranged. It was in the best interests of Mr Serbet to be legally represented, but that was not possible today. In the event of adjournment, there would be no licence in place and the premises would not be able to sell alcohol until a licence was granted. There had been Temporary Event Notice (TEN) applications which had covered 18 days. A premises was allowed 21 days under TENs per calendar year, so there could only be 3 more days maximum in 2019. The quota would start again from 1 January 2020, and TEN applications had already been submitted for 7 days. A further hearing would not be possible until the New Year when a meeting date would be arranged. There would be an impact on ability to sell alcohol at the premises.
 - e. Mr Serbet confirmed his understanding of the situation, and that he was not selling alcohol at the premises at the moment.
2. The Licensing Sub Committee agreed to the request for an adjournment. A decision would be made at a hearing at a later date.

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DOST HANE, 77 BOUNCES ROAD, LONDON N9 8LD (REPORT NO. 163)

RECEIVED the application made by Mrs Songul Aydin for the premises situated at Dost Hane, 77 Bounces Road, London, N9 8LD for two Temporary Event Notices (TENs) covering the following dates: 24, 25, 26, 31 December 2019 and 1 January 2020, 23:00 until 03:00.

NOTED

1. Councillor Boztas was replaced on the panel by Councillor Hamilton to avoid a conflict of interest as a Lower Edmonton ward councillor.
2. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This application was for two Temporary Event Notices (TENs) for the premises Dost Hane, 77 Bounces Road, Edmonton. This was a live music venue and restaurant. The applicant, Mrs Songul Aydin was in attendance at the hearing.

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- b. The original application had been for three TENs from 23:00 to 03:00 between 24/12/19 and 1/1/20.
 - c. Environmental Health had made an objection on the grounds of prevention of public nuisance, and were represented at the hearing by Charlotte Palmer.
 - d. The applicant had been contacted by phone to discuss options. Confirmation was received that the TEN for 27/12/19 to 29/12/19 was withdrawn, but the other two TEN applications remained and a Counter Notice was issued on 12/12/19.
 - e. Mrs Aydin advised on 13/12/19 that she wished the remaining TEN applications to be determined by the Licensing Sub Committee. Therefore the Counter Notice must be discounted.
 - f. The existing licence was shown in Annex 1 of the officers' report.
3. The statement of Mrs Songul Aydin, the applicant, including:
- a. She was asking for TENs to cover 24, 25 and 31 December as she was fully booked for events at the premises those dates.
 - b. She knew she had made a mistake on 6/12/19 when she had moved the stage to the wrong place, next to the door, and it had now been moved back. She was really sorry for that occasion. She had booked a famous person from Turkey to perform, but didn't know it was going to be so noisy.
 - c. It was hard to stand in this business as a woman, and she asked for the sub committee's support.
4. Mrs Aydin responded to questions, including:
- a. In response to Members' queries, she confirmed that at weekends the premises closed at 01:00 with last sale of alcohol at 00:30. However, the Christmas and New Year dates did not fall at weekends this year. She was fully booked on those dates for the times applied for in the TENs. She had believed the TENs had been confirmed and had therefore accepted bookings for the extended hours.
 - b. Ellie Green advised that the TENs application was received by the Licensing Team on 5/12/19 and consultation was begun on 6/12/19. An acknowledgement was provided to the applicant that the TENs were deemed granted unless a Counter Notice was received. The applicant should wait until the end of the consultation period to action. The objection notice to all the TENs was emailed to Mrs Aydin on 9/12/19 and chased on 10/12/19. However, her understanding was that bookings were done previously to 5 or 6 December.
5. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of Environmental Health, including:
- a. Environmental Health had authority to make representation to any TENs. There was concern in this case as this premises had a history of

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complaints. There had been a review of the licence in 2016 as live music had been at such a level as to be a statutory noise nuisance, leading to serving of an Abatement Notice, which had subsequently been breached.

- b. There were residential properties above the venue, and the sound insulation was poor. The Licensing Authority did not think this was a suitable venue for live music.
 - c. The premises licence would be reviewed and amended conditions sought.
 - d. Though there had been no noise complaints in 2018, there had been seven in 2017 and five this year, and from more than one complainant. A complaint to the out of hours noise team on 18/10/19 was made at 23:35 and another call on 19/10/19 advised that noise was happening regularly. A warning email was sent to the venue.
 - e. A further complaint regarding loud music was received on 6/12/19. An Authorised Officer visited and witnessed music, singing and drums at a level that neighbours would be unable to sleep or to hear their television and it was a statutory nuisance. The officer noticed that the stage had been moved to the front of the venue, not in keeping with the premises plan, and meaning that the speakers were by the door and windows, making noise escape more likely. The noise Abatement Notice served in 2016 was still in place, and there would therefore be consequences of breaching the Abatement Notice, of which Mrs Aydin had been advised.
 - f. Correspondence with the applicant was shown in the agenda pack. The Council encouraged early submission of TENs. Mrs Aydin's situation was understood, but financial considerations could not be given weight in relation to licensing decisions. That there was a famous musician performing on 6/12/19 was also understood, but that the noise was not able to be contained was worrying and that it had been a statutory nuisance.
 - g. There had been previous problems and complaints in respect of the venue. There was no evidence that complaints were malicious. The noise nuisance was also witnessed by officers.
 - h. It must be ensured that residents were not negatively affected by licensed premises, and in this locality it was considered that residents would be affected by noise from this venue.
 - i. This was the first case in years when Environmental Health had made objection to a TEN. This decision had not been taken lightly.
6. Charlotte Palmer responded to questions, including:
- a. In response to the Chair's queries about the 12 complaints since 2017, they were not all from different sources, but it was assumed that they came from residents in the parade of shops.
 - b. In response to queries about the noise inhibitor, it was advised that Condition 20 in the existing licence covered the noise limiting device requirements. It was also advised that a TEN would overrule the

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- current licence so the licence conditions would not necessarily have to be complied with, but that it was an option for the sub committee to issue a Counter Notice with conditions under section 106(A) of the Act.
- c. In response to Mrs Aydin's point that neighbours she visited yesterday supported her application, it was advised this did not mean that other residents were not affected. When officers visited on 6/12/19 residents were clearly being affected. The officers were independent and had identified a statutory nuisance. Also, Mrs Aydin's evidence had not been submitted prior to the hearing and could not be corroborated as the individuals were not present.
 - d. In response to the Chair's queries regarding the licence review, it was confirmed that the Licensing Authority would be submitting a review in January as a result of breaching the Abatement Notice.
 - e. In response to Members' further queries, it was clarified that there were no seasonal variations on this licence, but that later licensed hours were permitted at weekends than on weekdays.
7. The summary statement by Ellie Green, Principal Licensing Officer, that having heard all the representations it was for the Licensing Sub Committee to consider whether the two TEN applications were appropriate and in support of the licensing objectives. Financial issues may not be taken into consideration. The potential steps the sub committee may be minded to take were set out in the officers' covering report, along with relevant guidance.
 8. The summary statement by Mrs Songul Aydin, the applicant, that she had and would take steps to cut down any noise including moving the stage back and putting up heavy curtains to the windows, and using sound proofing and the sound limiter. Her friend in support advised that Mrs Aydin was feeling overwhelmed by the issue, but she was aware of her mistakes on 6/12/19 and had taken steps including moving the stage and ordering thick curtains, and that she had a sound inhibitor. Because of the email she received, she understood the TENs were granted and had taken bookings, did the shopping, and made a staff rota. Having the TENs cancelled would mean a great business loss. Mrs Aydin was doing her best and asked the sub committee to reconsider.
 9. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, that the premises had a history of noise problems. The most recent complaint related to live music and was witnessed by officers. The effect on residents meant that she supported Environmental Health and urged the sub committee to reject the applications as they would undermine the prevention of nuisance licensing objective.

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

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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:

“We have heard and given consideration to all the written and oral evidence presented to Licensing Sub Committee (LSC) by the Applicant and Environmental Health.

We have been careful to consider only the Licensing issues in this matter and not direct ourselves to other issues.

We have considered the guidance under S182 of the Licensing Act 2003 and the LBE Licensing Policy.

The LSC in making its decision has determined to grant the TENs under S106 with the following conditions:

Condition 1

Open to the Public: 08:00 – 02:00

Supply of Alcohol – On Supplies: 08:00 – 01:00

Live Music – Indoors: 20:30 – 00:30

Recorded Music – Indoors: 20:30 – 00:30

Performance of Dance: 20:00 – 00:30

Late Night Refreshment – Indoors: 23:00 – 00:30

Condition 2

Apply all the mandatory conditions currently existent on the Premises Licence at present as provided at page 10 – 12 of the agenda pack.

Particularly highlighting Condition 20 in respect of noise.

3. The Licensing Sub-Committee resolved to issue a Counter Notice under section 106A(2) of the 2003 Act and the event can take place subject to the conditions above.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting held on Wednesday 27 November 2019.

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AGREED the minutes of the meeting held on Wednesday 27 November 2019 as a correct record.