MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY, 5 APRIL 2023

COUNCILLORS

PRESENT Doug Taylor (Chair), George Savva MBE and Edward Smith

ABSENT None

OFFICERS: Ellie Green (Principal Licensing Officer), Balbinder Kaur (Legal Representative), Harry Blake-Herbert (Governance Officer)

Also Attending: Cllr Paul Pratt, Cllr Adrian Grumi, Ilir Hasani (Premises Licence Holder/ Owner/ Applicant), IP6

1 WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting.

2 DECLARATION OF INTERESTS

NOTED there were no declarations of interest received regarding any items on the agenda.

3 REVIEW APPLICATION - TABLES AND CHAIRS LICENCE

The Licencing Team RECEIVED the application for a new tables and chairs licence from Mr Ilir Hasani at the premises known as and situated at Eagles Hill, 49 Cannon Hill, London, N14 6LH.

NOTED

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

a. The premises situated at 49 Cannon Hill has been known under various different names, such as: Meze Café Bar, Siegy Mariase, The Meze Bar, Pasticcio, Le'Kara and now the Eagles Hill. The nature of the premises has always been of a café/bar/restaurant nature.
b. On 16 November 2009, Mr Feral Birdane was granted a street trading (tables and chairs) licence (to be referred to from now as the tables and chairs licence), under the London Local Authorities Act 1990. The application was advertised and consulted upon, and no objections were received.
c. A summary of the licence: • Tables and chairs permitted to be used daily between midday and 11pm; • The licensed area was 3.5 m (width) x 1.5 m (depth), permitting 5 tables and 10 chairs.

d. Tables and chairs licence LN/200900514 was renewed annually until it expired on 31/03/2014, as it was not renewed by Mr Birdane.
e. Tables and chairs licence LN/20090051 was not subject to any review or prosecution action.
f. The Eagles Hill is currently licensed under the Licensing Act 2003 and has been since the licensing conversion in 2005 from the former licensing regime. Premises licence LN/201800758 was transferred to Mr Ilir Hasani as the new premises licence holder on 7 February 2023. Mr Hasani also became the named Designated Premises Supervisor (DPS) at this time.
g. Since Mr Hasani become the premises licence holder, he applied for a variation of the premises licence to permit alcohol sales (on supply) and opening to be consistent throughout the week, namely 11pm. The premises was previously closed on Mondays and closed at 10pm the remaining days - Sunday to Wednesday. Slightly reduced hours to allow drinking up time on the days to be varied, plus conditions were sought through representation by the Licensing Authority and the Police. Those were agreed by Mr Hasani.
h. A total of 7 local councillors and residents objected to the variation application but in this instance were not deemed relevant for the variation application. As a result of no outstanding valid representations, the variation application was granted on 14 March 2023.
i. A summary of Premises licence LN/201800758: • Opening hours: 06:00 to 23:00 daily; • Sale of alcohol (on supply): Sunday to Wednesday 08:00 to 22:30, Thursday to Saturday 08:00 to 23:00.
j. On the plan attached to Premises licence LN/201800758, which forms part of the authorisation under the licence, the licensed area (historically) includes the outside area to the front of the premises. Therefore, it is deemed that on supply alcohol sales are permitted in any outside area (in line with the plan), subject to the additional benefit of a tables and chairs licence.
k. Conditions of the premises licence can be found on page 2 of the agenda reports pack under subsection 1.12.
l. Premises licence LN/201800758 has not been reviewed or subject to prosecution action at any time.
m. A new tables and chairs licence application from Mr Hasani was received by the Licensing Team on 14 February 2023.
n. The following were consulted as part of the 28-day consultation process: Planning, Environmental Crime Unit, Highways, Commercial Noise, Anti-Social Behaviour Team, Waste Services, the Police Licensing Team, and the ward councillors.
o. Mr Hasani was also required to provide proof of a Waste Contract and display the site notice for the duration of the 28-day consultation period, which were deemed to be satisfactory.
p. Other Persons: A total of 48 representations have been made, against the new tables and chairs application by ward councillors and local residents, who are referred to as IP1, IP2 etc.

q. The representations object to the application, for a number of reasons, summarised as: • The pavement is not wide enough to accommodate the tables and chairs, plus pedestrians, pushchairs and wheelchairs; • Customers would loiter/congregate outside the premises; • Tables and chairs would cause an overflow of people on the surrounding pavement area; • Local residents/pedestrians will feel intimidated; • Women and young children may suffer from sexual harassment; • Impact of smoking on passers-by including school children and residents, including noxious smells; • Pedestrians will be forced to walk in the road to get past the premises; • Additional litter including smoking litter; • Customers are predominantly male; • ASB caused by drinking alcohol outside; • Concern that similar behaviour will be experienced outside this premises as to that witnessed by neighbouring premises. This neighbouring premises recently had a pavement licence refused; • Result in activity which is not family friendly; • Sufficient space inside the premises; • The plan provided did not meet the requirements; • Noise from customers outside will disturb local residents in flats above the premises.
r. In response to the comments, Mr Hasani submitted an amended plan, and an updated notification list to include nearby residents.
s. It should be noted that Highways officers undertook a site visit and were satisfied with the plan provided and the measurements for the licensed area sought. As a result, no objection has been received from Highways.
t. The Police (neither Licensing nor ward teams) did not object to this application.
u. The premises is situated in the middle of a small commercial parade with residential flats above and is surrounded by residential streets.
v. Mr Hasani's application is for an outside area for tables and chairs of 4.5m (width) x 1.5m (length), to contain 4 tables and 10 chairs, and operate between 8:00 and 23:00.
w. The only other premises on Cannon Hill licenced for outside furniture is a bar/ cafeteria located at 28 Cannon Hill which permits 3 tables and 12 chairs, in an area 3m x 1m, between 8:00 and 18:00 daily.
x. The Principal Licensing Officer, Ellie Green took the Committee through the running order for the meeting.

2. In response, the following comments and questions were received:

a. The Chair asked for confirmation that each speaker would be given 5 minutes to make their representations, which Ellie Green confirmed.
b. Cllr Pratt asked for confirmation that each party would be able to summarise their points at the end, which Ellie Green also confirmed.

3. Mr Ilir Hasani, the premises licence holder/ owner, made his statement:

a. Mr Hasani began by stating that he had only just opened the restaurant in the past 3 weeks.

b. He explained that he had lived in Enfield for 20 years.
c. It was pointed out that the premises had been granted a tables and chairs licence previously.
d. Mr Hasani expressed that he felt both he and his business were being judged based on the behaviour of the premises next door to his.
e. He conveyed that Eagles Hill was a family-based business.
f. Mr Hasani described how members of the public/ customers wanting to use the tables and chairs outside of his premises would have to buy food and or drink.
g. It was emphasised that the highways agency was satisfied with the amount of space the tables and chairs area would occupy, and that it meant adequate room on the pavement would still be available to pedestrians.
h. He insisted that he had been and was willing to continue working 12–13-hour days to ensure his premises, particularly outside, where the new tables and chairs would be located, remained clean.
i. Mr Hasani said that he had spoken to neighbours and asked that if they have any problems they could ask/ approach him directly.
j. It was highlighted that another café on the street was permitted to use tables and chairs.
k. He told the committee that he had always paid his bills and that this was a hard time for businesses such as his.
l. Mr Hasani reiterated that he felt he was being judged for being new and stressed that neighbours were always welcome to speak to him if they had any issues.

4. In response, the following comments and questions were received:

a. Cllr Savva asked whether Mr Hasani, having been in this line of business for a long time, had ever received any complaints. Mr Hasani responded that he had worked in this area of business since 2006 but that this was the first business he had owned, he expressed that he was previously working at another premises in the not-too-distant surrounding area.
b. Cllr Smith asked for the specific date the premises started trading with Mr Hasani as the licence holder, to which it was confirmed to him to be the 11th of March 2023.
c. Cllr Smith queried how the food being served, which was not fresh, but instead packed sandwiches, fit with the licence holder's intentions of creating a family friendly restaurant. Mr Hasani replied that he had been forced to serve this type of food until the Monday gone, as a gas meter was not installed at the premises prior to this; but that this had since been done, and they had now moved on to serving a whole range of meals, with the menu having been placed on the premises window for all to see.
d. The Chair asked how the licence holder defined the 'full food' he claimed to be providing. Mr Hasani responded that previously they had only been able to sell sandwiches, but now had a full menu of different

things, which was now visible on the premises window for neighbours to see.

e. The Chair highlighted the concerns residents had put forward, he queried given it was not in the licence holders power to control customers outside, how he was going to answer these concerns. Mr Hasani replied that he would ensure people using the tables and chairs outside the premises were consuming food/ drink, and said he would speak to people to make sure they are behaving in conjunction with their policy/ expectations.
f. The Chair expressed his concern about the antisocial behaviour local residents were experiencing, he said this offensive activity may take place despite customers eating/ drinking outside the premises and wondered how the licence holder would try to address this occurring at his premises. Mr Hasani responded that he would speak to customers if issues occurred, he said that any customers who engaged in such activity would not be welcome at his premises again and if necessary, he would call the police.
g. Cllr Savva asked if in the short time the premises had been open with Mr Hasani operating as the licence holder, whether any customers had experienced intimidation/ harassment. Mr Hasani replied that no such problems had occurred on his premises as far as he was aware, and that these behaviours/ assumptions had emanated from the store next door.
h. Cllr Savva queried what type of customers the licence holder was hoping to have at the premises. Mr Hasani responded that he hoped the noise emanating from the premises would be relatively quiet, that as of Monday they had introduced more food and planned on welcoming mostly families.
i. IP6 expressed that residents also wanted to have a family inclusive café culture in the area, like Winchmore Green which had created a real community hub by closing the slip road. They reiterated their concern that cafes were becoming male dominated particularly in outside seating areas which was creating an intimidating atmosphere for women. IP6 asked how the licence holder would make sure his premises was inclusive to the local population, in particular women and families. Mr Hasani replied that he would try bringing in customers that would eat, drink, and go; and not hang around. He conveyed how he believed the introduction of tables and chairs would make it easier to control people outside, as it would make the storefront look worse if they were still loitering. Mr Hasani reiterated that he was a family man, working 12–13-hour shifts; that the premises had tables and chairs previously, and if residents had concerns, they could speak to him, and he would address them.
j. Cllr Smith enquired hypothetically, if in the future it was found that the tables in chairs had been put in place, and the concerns raised were occurring, whether they would be able to make changes to or revoke the tables and chairs licence. Ellie Green confirmed that they would be able to amend or revoke the licence in the future if problems did occur.

k. Mr Hasani stated that he would be willing to accept reducing the hours the tables and chairs would be permitted to operate if that would help.

5. Cllr Pratt, representing several interested parties, made the following statement:

a. Cllr Pratt began by directing the committee's attention to the pages in the report that he would be referring to, and expressed that he was present in his role as a ward councillor and that he was representing a large number of residents.
b. Cllr Pratt pointed out that Southgate Green was a conservation area, and unique in its family friendly nature.
c. Cllr Pratt highlighted that gatherings of men outside cafes was becoming a real problem in the area, and that long standing issues existed in relation to the concerns raised by residents at the premises next door to the one being discussed, with complaints going back 3 years.
d. Cllr Pratt conveyed how tables and chairs encouraged loitering which in turn generates an intimidating atmosphere.
e. Cllr Pratt explained how when tables and chairs are removed from similar premises, the community witnesses a return to the family friendly atmosphere it desires, but if this application were to be approved, this would see a return to the issues residents had been experiencing.
f. Cllr Pratt expressed how other businesses in the area had become the victims of extortion and feared there was potential for the same to occur here.
g. Cllr Pratt relayed to the committee that on the 11th and 12th of March 2023, the outside area of the premises had been used by the licence holder without the council's permission.
h. Cllr Pratt told the committee that one of the chief reasons residents objected to the proposed tables and chairs licence was because they felt the pavement was not wide enough, and their addition would cause a nuisance for those members of the public in wheelchairs or with pushchairs.
i. Cllr Pratt raised a concern of many interested parties, that the amended plan, submitted by the applicant, which was supposed to have addressed 11 requirements/ errors, had not addressed all of them.
j. Cllr Pratt said the applicant's inability to follow instructions and apply the required process gave him no confidence that he would be able to navigate the issues which had been raised.

6. In response, the following comments and questions were received:

a. The Chair asked Cllr Pratt to highlight what he felt were the most significant failures of the application. Cllr Pratt responded that the applicant's amended plan was not clearly drawn/ annotated and that

the definitions provided were not to the expected standard. He pointed out that the scaling of the plan was not set out as it was defined in the application. Cllr Pratt expressed how the precise position of the tables and chairs had not been provided, that the hanging baskets referenced in the proposal had not been illustrated, and parking bays were not to scale. He also drew attention to the fact that the dropped curb for the island in the middle of the road had not been shown, and that this was the only place those in wheelchairs could cross, in order to access the bus stop.

b. The Chair said that he would come back to ask Ellie Green how important the above considerations just discussed were, before moving on to make the point that the highways and street trading groups had considered the 2.3 meters proposed, to be sufficient space, and that the idea the tables and chairs would cause obstructions, did not fit with council policy. The Chair asked Cllr Pratt to confirm that the residents' concerns about this were based solely on their personal views, and not policy. Cllr Pratt replied that in the experience of residents, the remaining pavement space would not be wide enough.
c. Cllr Savva queried if, given there had been no representations made from the police, highways, or the councils anti-social behaviour team, any proof existed of allegations of sexual harassment at Eagles Hill. Cllr Pratt responded that he was waiting for residents to provide crime reference numbers, and that the only evidenced accounts of such behaviour/ activity that he could share related to the neighbouring premises. Cllr Pratt later expressed how for a period of over 3 years the premises next door had a number of behavioural based incidents reported, and that he was still trying to reach out to residents about this; but that because he was a relatively new councillor, it had been difficult accessing all these channels.
d. Cllr Smith asked for confirmation that the tables and chairs licence for the premises next door had been refused. Ellie Green replied that the tables and chairs licence for the premises next door was proposed as a pavement licence, thus was determined by officers, and that she could provide an explanation of how the processes differed if required.
e. Cllr Smith queried, despite the premises having only been open a few weeks, and having its teething issues with serving food, whether he was aware of any evidence of loitering, harassment, intimidation, or other anti-social behaviour at this premises. Cllr Pratt responded that he had been sent photos from residents of loitering around the premises, but that it was hard to define which exact premises they were on. He admitted there had not been many complaints about the premises, but that this was covering a short period of time, and said he was unable to report on the issue further, due to the police having issued a cease and desist.
f. Cllr Savva asked, given the number of long residential streets in the surrounding area, how only 48 signatures had been received, and felt this was a lot of people who had refused to sign it. Ellie Green replied that this was not a petition but a number of individual emails. Cllr Pratt

reiterated that this was not a petition but a number of individual emails, emphasising that this took more effort, and was a considered decision by individuals with other things to do with their time; and this was an unusually high number of representations. Cllr Savva said that of the whole ward, only having 48 complaints was not too many. The Chair responded that this was still enough/ more than usual for such an application/ proposal.

g. Mr Hasani said that on the 11th and 12th of March 2023, he had only put a barrier up to prevent customers at the neighbouring premises encroaching in front of his property. He said that no tables and or chairs had been put out and that he had moved the barriers as soon as the council asked him to do so. Ellie Green confirmed this to be the case.
h. Cllr Smith said that if the tables and chairs were managed properly there would not be a problem, thus asked if barriers would be legally permissible in the licence. Ellie Green responded that such barriers were legally permissible providing they were located within the licenced area. She said that the barrier type Mr Hasani had used were fine, he just had not gone through the process of seeking permission to use them, and that a condition for these being required in the licence need not be overly defined, but that planters could not be used.
i. IP6 made clear their concerns that the cafés outside seating area would become male dominated and not the family friendly area residents wanted. Ellie Green said that the plan submitted in the licence had gone through the proper process, that officers conduct visits of such sites as they do not necessarily know the area, and that for this type of application, the plan was normal/ in keeping with what officers usually tend to see. Cllr Pratt expressed that he felt the way in which the form had been completed was not normal nor compliant with the standard the council should be prepared to accept. The Chair conveyed that he acknowledged the point of Cllr Pratt, but felt the application was acceptable, he added that perhaps more clarity as to what the council are looking for in such proposals/ applications could be made clearer moving forwards.
j. Cllr Grumi queried, if the barrier had been put in place because the applicant was troubled by the neighbouring premises customers encroaching on his premises, how the tables and chairs would prevent customers from next door, who were causing trouble, from moving over to Eagles Hill. Mr Hasani replied that he was not worried about the customers of the premises next door, but that he was looking to attract a different type of clientele.
k. The Chair asked in reference to the proposal/ business plan, what percentage of the business the premises did would be take aways as opposed to eating in/ at tables. Mr Hasani explained that the option for take aways was not yet being considered, but was instead something that he would introduce at a later date.
l. Cllr Smith asked if any complaints had been received from residents living above the premises, with regards to the late closing time, and

asked for confirmation that the applicant would be willing to reduce the times the tables and chairs licence would operate. Cllr Pratt responded that anti-social behaviour complaints had not been made after around 18:30/ 19:00, and emphasised that the main problems were with smoking, which led to loitering during the day. Ellie Green said that she was not aware of specific representations being made from a resident in the flats above the premises, and made clear it was included as part of the licence that those using the tables and chairs would have to be drinking/ eating, people could not just sit down and smoke. The Chair pointed out that customers could sit for a long time with a drink whilst smoking. Cllr Pratt expressed how he believed one complaint had come from a resident above the premises who had raised the issue of the smell of smoking rising to the flats above, but that he was not sure if this was in the report. Mr Hasani confirmed he was happy to reduce the tables/ chairs operating times.

m. The Chair asked for confirmation that the premises had been granted a tables and chairs licence previously and asked whether there had been any objections to this, and if the premises operated then, in a similar way to what was being proposed now. Ellie Green confirmed the premises previously had a tables/ chairs licence but that it had not been renewed by the licence holder past 2014; she informed the committee that no objections had been made against this licence previously, and that the premises had functioned in a similar way to what was being proposed.

7. The Chair invited each party to make a closing summary:

a. Ellie Green conveyed to the committee that they had heard the representations of each party and could now choose to accept, accept with conditions, or refuse the application.
b. Cllr Pratt expressed how residents were not opposed to having a family friendly tables and chairs area for a café/restaurant, but instead opposed to the proposal based on the number of issues that had been raised in the report and throughout the representations. He said that residents implored the committee to reject application, but if they were not minded to do so, should include a no smoking condition in the licence, if they are able to.
c. Ellie Green stated that this was not an option open to the committee today, and that the most they could do in respect of this would be to recommend that the licensing authority look into the potential for this.
d. IP6 conveyed that residents wanted cafés/restaurants with a family culture, and that Winchmore Green had become a real hub for the local community since the council closed the slip road, and felt the slip road behind the bus stop could be closed to achieve the same effect here. They said residents did not want another male dominated café as this was neither good for businesses, nor the local community.

e. Mr Hasani reiterated that he wanted permission for a tables and chairs licence, and that if neighbours had any issues, they could come to him, and he would try to help.
f. The Chair asked, if the committee were hypothetically minded to agree with pursuing a non-smoking clause, what the applicant/ licence holders view on this would be. Mr Hasani said that he hated smoking, and would be willing to accept this, but felt that it would only push people further onto the road, which would look even worse.
g. IP6 expressed that residents may also want the hours the tables and chairs licence operates to be restricted, with the evening slot in particular, he felt, being more of an issue. The Chair asked if IP6 felt the tables and chairs operating during schools opening and closing times was an issue, to which IP6 replied they thought it had been in the case of Ashfield Parade.

The Chair thanked everyone for their time and adjourned the meeting whilst the committee went away to deliberate. The Panel retired, with the legal representative and committee administrators, to consider the application further and then the meeting reconvened in public.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that the new application be ISSUED IN PART as follows:

(i) Licensed Area: 4.5 m (width) x 1.5 m (depth) = Total 6.75 sq m
(ii) Licensed Days/Hours: from 09:00 to 22:30 daily
(iii) Maximum Quantity Tables: 4
(iv) Maximum Quantity Chairs: 10

Conditions (in addition to Standard Conditions 1 to 27):
28. The licensed area shall be defined by a barrier.

The Chair made the following statement:

“The Licensing Sub-Committee having listened to and considered written and oral submissions made by the Licensing Authority, the applicant and the 48 representations received opposing the application and the reasons for those objections.

The Licensing Sub-Committee has taken into account the relevant provisions of the London Local Authorities Act 1990, sections 25, 27 and 28 and the London Borough of Enfield’s Street Trading Policy of September 2008 in making its decision to grant the licence in part, with slightly reduced hours (as set out above) and an additional condition.”

Additionally, the Chair noted the applicant’s good intentions; reassured residents that the licence was always open to be reconsidered, and

recommended that the Licensing Authority and applicant discuss the potential for a no smoking area.

The Chair thanked everyone for their time and brought the meeting to a close.