

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 11 OCTOBER 2023**

COUNCILLORS

PRESENT Mahym Bedekova (Chair), Sabri Ozaydin and Michael Rye OBE

OFFICERS: Ellie Green (Licensing Team Manager), Victor Ktorakis (Senior Environmental Health Officer), Tayo Hasan (Legal Adviser), and Harry Blake-Herbert (Governance Officer).

Also Attending: Cllr Tom O'Halloran (Oakwood Ward Councillor), Cllr Julian Sampson (Oakwood Ward Councillor), Mrs Dina Balaj (Designated Premises Supervisor (DPS)/owner of Bramleys Restaurant), Mr Tamas Juhasz (Manager at Bramley's Restaurant), and an interested party.

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received.

2 DECLARATION OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

3 MINUTES OF PREVIOUS MEETING

AGREED the minutes of the previous Licensing Sub-Committee meeting held on Wednesday 13 September 2023.

4 BRAMLEYS RESTAURANT, 217 BRAMLEY ROAD, LONDON, N14 4XA

On 7 August 2023, a new premises licence application was submitted to Enfield's Licensing Team, again naming Bramleys Restaurant Ltd as the Premises Licence Holder (PLH) and Mrs Dina Balaj as the proposed Designated Premises Supervisor (DPS).

NOTED:

1. The introduction by Ellie Green, Licensing Team Manager, including:
 - a. On 2 December 2020, a new premises licence (LN/202000261) was issued to Bramleys Restaurant Ltd, Company number 12922450,

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registered office address 217 Bramley Road, London, United Kingdom, N14 4XA. Mrs Dina Balaj has been the Company Director since 2 October 2020. This premises licence, which was not subject to any outstanding representations, was granted by officers in accordance with delegated powers. The named Designated Premises Supervisor (DPS) is Mrs Dina Balaj, and has held this position since the licence was first issued.

- b. No variation or other amendments have been made to the premises licence since it was issued, nor have the Licensing Team received any review applications in relation to this premises.
- c. The premises also holds pavement licence LN/202200023 which permits outdoor tables and chairs on the highway outside the premises, between 10am and 6pm daily.
- d. The activity and times permitted by Premises Licence (LN/202000261) are outlined in the report pack.
- e. On 7 August 2023, a new premises licence application was submitted to Enfield's Licensing Team, again naming Bramleys Restaurant Ltd as the PLH and Mrs Dina Balaj as the proposed DPS.
- f. An extension to licensable activity, including music and alcohol and late-night refreshment, sought in the new premises licence application was from what was 23:00 in the existing licence to 01:00 Sunday to Wednesday, and Thursday to Saturday from 23:30 previously to 01:30 with a 02:00 close, as outlined in the report pack.
- g. Bramleys Restaurant was described as being the last premises along the parade, which featured a mix of premises. The latest opening hours of these premises according to their licence was said to be 24 hours, but according to google searches of their actual closing hours showed that the latest time used was midnight, including alcohol and music. Residential flats were said to be above the premises, and there were residential streets leading off from each end of the parade.
- h. Each of the Responsible Authorities were consulted in respect of the application.
- i. The application form states that premises licence (LN/202000261) will be surrendered, should the new application be granted.
- j. The Licensing Authority object to this new application in full, and seek modified conditions as well as a reduction in the hours sought, as outlined in the report pack. This representation was submitted based on the protection of children from harm; prevention of public nuisance and prevention of crime and disorder licensing objective.
- k. Representations were received from Enfield Licensing Authority, and 44 objections from Other Parties, including local councillors and residents, and were based on all four of the licensing objectives. Other parties were referred to as OP1, OP2 etc., and live in a range of nearby residential streets in proximity to the premises, as outlined in the report pack. A copy of all representations are provided in the report pack.
- l. The number of objections/representations received on the application was said to be a high in volume relative to what would be typically received for this type of application. The objections included that the

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hours sought were too late for a residential area, that issues were already being experienced with customers leaving the premises at the existing time and these would only be exacerbated at a later hour. The Ward Councillors were said to be speaking on behalf of 14 different residents/other parties.

- m. The applicant had not responded to these representations.
- n. The Licensing Authority had requested modification to the licence conditions offered in the operating schedule of the application, should the Licensing Sub-Committee grant the licence in full or part. The conditions arising from this application were produced in the report pack. The applicant had not previously indicated agreement to the modified conditions sought by the licensing authority.
- o. Those in attendance were introduced, the order of representations was outlined, and all parties would have a limit of 5 minutes to speak.

2. Mrs Dina Balaj, Bramleys Restaurant owner/DPS, made the following statement:

- a. The agent who had been working on the application was said not to have been available for the day of the hearing, and the owner/DPS had been disappointed by the job they had done.
- b. The owner was shocked by the number of complaints received, and had not directly received any complaints themselves. Some of the complaints they felt were not a reflection of them but other premises.
- c. They had done their best to recruit/provide employment to at least 10 local people, but were struggling to give them hours due to the lack of trade/business they were experiencing. Most days were said to be very quiet, they opened usually 5pm Monday-Thursday but did not usually have bookings until 8:00/9:00pm.
- d. It was described that the new application was not intended to turn the premises into a night club.
- e. When customers had been asked to leave at 11:00/11:30pm on Fridays and Saturdays, they were said not to be happy, thus wanted to apply for an extension. Customers had also asked live music/ a DJ at weekends, thus they wanted to apply/ listen to this demand.
- f. The premises was described as being well sealed, with two lower ceilings. They were said not to get complaints from residents living in the surrounding premises about the music/noise. They explained that they had conducted a test whereby they turned the music up, went outside and could not hear it.
- g. They were said not to need a closing time extension during the week, and that they only wanted later times on weekend nights.

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

- a. Cllr Rye asked what arrangements were in place to encourage customers to leave the premises quietly. Mrs Balaj responded that they had a notice on display at the door, and a member of staff would

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- remind all customers to leave quietly. Customers wanting to go out for a cigarette were also said not to be allowed to take their drinks outside.
- b. Cllr Rye queried what additional measures were being put in place to further reduce the impact of noise from music. Mrs Balaj replied that the premises had no window access, the doors were shut as much as possible, if the music was loud, they could enforce that customers don't leave the premises for cigarettes, and were already encouraging them to do this quietly. A basement area was expressed as being an area that could be used for music, as opposed to the main dining area and the internal doors could be shut.
 - c. Cllr Ozaydin asked how many people the basement area could accommodate and how the number of people accessing this area would be controlled. Mrs Balaj said that about 30 people could be accommodated in the basement area, and that this number could be controlled by imposing a minimum spend, and monitoring the amount/number of drinks for tables. A pre-booking requirement for music was said to be an option, as was a door person to monitor the areas. A time limit and staggering of bookings were said to be ways of ensuring the music did not disturb customers who didn't want to listen to it. The manager added that the total capacity for the premises was 80 covers, that reservations could be used for controlling the downstairs area, that no walk-in customers would be welcome, that they would not allow the basement area use to exceed capacity and that this could be made clear in any promotional information shared on social media.
 - d. Cllr O'Halloran enquired whether recorded music/ a DJ were being used at the premises. Mrs Balaj confirmed that both had been used. Ellie Green added that because the premises were permitted on licence alcohol sales, they were automatically entitled to play music between 8:00am and 11:00pm.
 - e. Cllr O'Halloran queried what the basement area was currently used for. Mrs Balaj responded that it was used for diners, particularly larger groups, as the internal doors could be shut so as to not disturb other customers.
 - f. Cllr O'Halloran asked how often the premises held private hire events. Mrs Balaj replied that they had not hired the whole venue, but the basement area they had done, and at present this was the only way to keep the business profitable.
 - g. Cllr O'Halloran queried how many times a month the basement area was being hired out. Mrs Balaj responded that it was usually on Fridays and Saturdays, about 2-4 times a month.
 - h. Cllr O'Halloran enquired whether the premises currently employed doormen to control access. Mrs Balaj said that they did not, but that staff welcomed and lead customers out.
 - i. Cllr O'Halloran asked what steps were currently being taken to disperse customers leaving. Mrs Balaj replied that there was a notice on display and a member of staff would be at the door, and remind customers to leave quietly. When the last drinks were served staff

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would remind customers, they had half an hour before closing. She felt customers did not loiter outside and the assumptions made in some of the complaints did not relate to the premises. It was said that they explained to customers that there was not parking arrangements, that just because cars were parked in the nearby roads/streets did not mean that they were customers at the premises, and that most customers visiting the premises did not drive themselves.

- j. Cllr O'Halloran queried if the premises intended to have a cover charge for customers who wanted to access the venue for a drink and if they intended to have doormen. Mrs Balaj and the premises manager said that they did not intend to introduce a cover charge, and that they were looking to employ door men if it helped on the busier/late nights.
- k. Cllr O'Halloran enquired if an extension to hours were granted, would they intend to hire the venue out for more private, or self-music event. Mrs Balaj said that they did not intend to do this any more than they do at present, that their intention had not been for private hire events, but that for financial reasons, they had needed to. Mrs Balaj explained that they would look for musicians to perform live, after customers had asked for this.
- l. Cllr O'Halloran asked them to confirm that they were only looking to use the premises late night on Fridays and Saturdays, which Mrs Balaj confirmed.
- m. Cllr O'Halloran queried what measures would be put in place to monitor/control those entering and leaving the premises. Mrs Balaj replied that at the moment, staff monitored customers coming in, that waiters kept an eye on who came in and out, and asked that they did not take drinks outside. The premises manager confirmed that it was not their intention to become a late-night bar/venue, that they did not sell bottles of drink, or drink without food. It was said that customers had not been leaving with drinks when smoking, and that their intention was to employ a doorman to control customers going in and out.
- n. Cllr O'Halloran enquired when the last admissions to the venue would be if it closed at 1:00/2:00am. Mrs Balaj and the manager advised that it would probably be between 11:00pm and midnight, to allow customers 2 hours to enjoy their time in the premises, and emphasised that drinks alone were not permitted.
- o. Cllr O'Halloran asked if they envisaged a queue line forming at the door. Mrs Balaj and the manager responded that they did not, that the booking system and kitchen size meant that they spread customers out, and even on their busiest days they did not have queues at present. They said they did not have walk ins but instead pre-booked tables.
- p. Cllr O'Halloran queried whether the venue could become known as a late-night drinking venue and a draw for those drinking elsewhere. Mrs Balaj and the manager replied that they did not agree, that it would be the job of a doorman to prevent drunk people from entering, and that at the moment this had not been an issue.

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- q. Cllr Rye enquired whether they were intending for the premises to become a late-night drinking venue or if it would stay a restaurant, and if drinks would only be served with food. Mrs Balaj and the manager confirmed the latter to be the case, and that a reservation fee with the booking would filter out those trying to walk in drunk. They added that late night refreshments would be provided.
- r. Victor Ktorakis, Senior Environmental Health Officer, asked if the proposed conditions were agreeable. Mrs Balaj said that she had sent an email in which they accepted the conditions, except the one regarding having a designated smoking area. It was explained that the premises had always had 3 designated smoking areas, that the licensing authority had suggested 1 smoking area for a maximum of 5 people and they did not feel this was enough. Ellie Green explained that staff smoking would not be included in the 5 people at a time being asked for, that they could use a separate area, and that the intention of the condition was to control the number of smokers becoming a nuisance at later times. A maximum of 5 people smoking at one was time was said to be proportionate compared to other premises of similar sizes. Victor Ktorakis asked if the condition was reworded to say that no more than 5 people should be allowed in the one designated smoking area after 9pm, would this be acceptable. Mrs Balaj and the manager felt that they could spread customers smoking out around the corner, Victor explained that the more areas/spread out customers smoking were, this increased the likelihood of a noise nuisance.
- s. Cllr Ozaydin asked if they would be willing to accept 1 designated smoking area accommodating a maximum of 5 people after 9pm. Mrs Balaj and the manager said that this would be acceptable.
- t. Ellie Green queried that there was no condition for alcohol with a table meal, and whether customers could come and buy just a drink. Mrs Balaj replied that in the past it had been just meals with drinks, that they were not the type of premises that would sell just alcohol, and wanted to stay a restaurant. They explained that they were a fine dining restaurant and had a policy that customers would not just have drinks. They said that they had been advised by their agent that they should and had loosely been following this as a guideline.

4. Victor Ktorakis, Senior Environmental Health Officer, made the following statement:

- a. The premises is located on the corner of the parade, with residential properties nearby.
- b. A noise complaint had been received in July 2023 relating to loud music from party night and noise of those leaving the premises which resulted in the issuing of a warning letter.
- c. The licensing authority is concerned that local residents may be disturbed by those entering and leaving the premises were the closing times extended into the early hours of the morning.

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- d. Observations on 3 September 2023 showed that some people noise was evident, and customers were still on the premises after the closing time.
 - e. An email received from the licence holder on 15 September 2023 showed that the CCTV worked, and the public space protection poster was now displayed.
 - f. On 29 September an officer requested a copy of some CCTV footage from the early hours of the 2 September 2023, following an allegation of noise issues being made during the application period, but the licence holder was unable to provide this.
 - g. In an email dated 30 September 2023, the premises licence holder confirmed that all of the conditions in the licencing authority representations, except for the one relating to the smoking area had been accepted. They also said that they would be happy with just an extra hour on Fridays and Saturdays, and asked that the applicant confirmed this, which they did.
 - h. Given the close proximity to the residential property and the recent noise complaint, the licensing authority objects to the hours applied for and instead recommend alternative times as shown in the representation.
 - i. The issue/condition regarding the smoking area had been agreed during discussions at the meeting.
5. Cllr Sampson, Oakwood Ward Councillor, made the following statement:
- a. The Councillors were speaking on behalf of 14 residents who had made objections, and these had emanated from roads directly affected by Bramleys.
 - b. Most of these objections were related to noise from the dispersal of clients following closing times, and were not speculative, but lived experience of residents now.
 - c. Shouting and driving noisily, were among the complaints received. It was accepted that not all of the complaints would stem directly from the customers at Bramleys, but that there were specific incidents cited where residents observed and took issue with the way Bramleys clients left the premises.
 - d. The representations of OP18 made reference to an incident on 2 September, in which clients of Bramelys were seen emerging from the premises, continuing their revelry; singing and dancing, and this was said not to be an isolated incident.
 - e. OP32s representation were also referenced, namely that the resident had made numerous complaints about noise late at night and disruptive behaviour, culminating in a call to the police.
 - f. OP34 had said in their representations that clients of Bramleys were seen singing, dancing, laughing, revving engines loudly, tooting horns and playing music, when leaving and that pictures of this had been taken and sent.

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- g. The visit of the licensing authority referred to talking loudly, metal clashing, doors slamming and lots of car noise.
- h. These issues were happening now, and it was felt that an extension to these hours would exacerbate these problems.
- i. Smoking outside the premises, and people turned away from the premises/ denied admission by doormen, would be further sources of disruption/ disturbance.
- j. The idea that residents sleep would be disturbed, particularly late at night and on the bank holidays requested was described as unacceptable.
- k. The committee were invited to reject the application on the basis that the current controls were failing to protect residents, the proposed conditions were not felt to be sufficient and would be difficult to enforce, and that unlike a town centre venue, Bramleys was located opposite Trent Park, thus customers could only disperse behind the restaurant, into the roads where residents had raised objections.

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

- a. Cllr Rye asked why no residents had been in to speak directly to the owner/ staff. Cllr Sampson responded that the complaints had been precipitated by the application, and noise outside the premises, which often tended to be a crystallisation of resident's discontent and unhappiness. There had been complaints made elsewhere, the local authority had visited, and the police had been called, and there was no reason to doubt the representations of residents.
- b. Cllr Ozaydin queried why the police had made no representations. Cllr Sampson replied that OP32 had said they had called 101 following unsociable behaviour outside the restaurant, but he did not know whether the Police attended.
- c. Mrs Balaj enquired why it was assumed that the issues/ complainants raised had emanated from their restaurant and not surrounding premises. She said that customers and staff waited inside the restaurant when waiting for vehicles to pick them up so as to avoid creating noise outside. Mrs Balaj asked why residents had not complained to them directly. The premises manager also asked if it was felt that the addition of a door monitor would be seen as a solution to control the noise issues. Cllr Sampson said that he could not answer that question.
- d. The Other Party present asked of the applicant if they were in their position, would they go to the premises to complain. Mrs Balaj apologised for the issues the resident may have experienced, and said that if they were not comfortable attending the premises, they could phone the manager directly to raise a complaint. She added that the premises were not trying to attract any particular age demographic of clientele.
- e. The Chair made the point that in many instances, residents may wish to avoid face to face confrontation. Mrs Balaj accepted this and said

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that they were happy to give residents the managers phone number, that the email address was on their website, and they would always try to resolve issues if it was their customers causing the issue. Cllr Ozaydin made the point that complaints did not always have to take place then and there at the time of an incident.

- f. The Chair asked when the manager of the premises was not present, who could be contacted to deal with any issues. Mrs Balaj and the manager of the premises responded that he was rarely absent from the premises, that on a recent day when he had not been present, a resident he had given his number to messaged him to say that there was a noise coming from the ventilation system, and within 5 minutes he had got staff to resolve the issue. He had made clear to staff that they could always contact him with issues, and on days when he was not present the assistant manager and owner would be at the premises.

7. The following closing summaries/ points were made:

- a. Ellie Green outlined the options available to Members of the committee to make, and directed them to the relevant guidance. It was reiterated that the applicant had agreed to reduce the hours sought, to an hour beyond what the present licence permitted and an hour less than what was sought in the new application. Members would need to be considered whether the potential imposition of an added condition for door supervisors to be required was realistic and proportionate, and a risk assessment was said to be an alternative. A potential last entry condition between 11:30 and midnight had also been mentioned, and wording for these could be provided. Parking and need/financial considerations were confirmed to not be permitted considerations under the licensing regime.
- b. Victor Ktorakis, Senior Environmental Health Officer, confirmed that he had nothing further to add.
- c. Cllr Sampson said that it was unlikely that the disruption residents had objected to emanated from Trent Park users; that residents' complaints had been corroborated by the licensing authorities report, and would be exacerbated by the extension sought in the application.
- d. Mrs Balaj added that were she to go on a night out herself to central London she would probably leave the car on a road in the area and go up on the tube. She said they that she had been shocked by the number of complaints received and that nobody had contacted them directly with any issues.
- e. Cllr Bedekova asked why CCTV had not been provided in the instance it had been asked for. Mrs Balaj said that she had missed the email from the licensing authority officer requesting this, and that by the time they checked, they could not see the footage from the time requested, but that later on in the day the footage had been requested for everything seemed quiet. She reassured them that if they called her,

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she could check earlier, so as to ensure that the footage did not disappear.

The Chair thanked everyone for their time and adjourned the meeting at 11:10, whilst the committee went away to deliberate. The Panel retired, with the legal adviser and committee administrators, to consider the application further, and then the meeting reconvened in public at 12:13.

The Chair reassured those in attendance that the decision reached by the sub-committee was agreed by all three members, but that Cllr Ozaydin had another engagement thus could not be present to be part of the presentation of the decision.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that the application be **GRANTED IN PART** as follows:

- Licensing Hours and Activities:

Activity	Times determined by LSC
Opening hours	Sunday to Thursday: 08:30 – 23:00 Friday & Saturday and seasonal variations: 08:30 – 00:00
Supply of Alcohol (On sales only)	Sunday to Thursday: 08:30 – 22:30 Friday & Saturday and seasonal variations: 08:30 – 23:30
Late Night Refreshment	Sunday to Thursday: Not applicable (as starts at 23:00) Friday & Saturday and seasonal variations: 23:00 – 23:30
Recorded Music	Sunday to Thursday: Not applicable (as automatic entitlement during opening hours) Friday & Saturday and seasonal variations: 23:00 – 00:00
Live Music – basement floor only as marked on plan	Sunday to Thursday: Not applicable (as automatic entitlement during opening hours) Friday & Saturday and seasonal variations: 23:00 – 00:00

The Licensing Sub Committee have determined the following conditions shall apply;

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- (i) Conditions 1 to 22, 24 and 25 in accordance with Annex 5 of the LSC report;
- (ii) AND Conditions (a) to (g) below.
 - (a) On Sunday to Thursday, the last entry time for patrons is 22:00.
 - (b) On Friday, Saturday and seasonal variations, the last entry time for patrons is 23:00.
 - (c) Live music shall be restricted to the basement floor and only for those patrons who have booked online in advance. There cannot be admissions by door entry only.
 - (d) Alcohol shall not be supplied otherwise than to persons who have consumed a table meal at the premises.
 - (e) An external area at the front of the premises shall be designated for the use of smokers. There shall be no more than 5 persons using this designated area from 9pm.
 - (f) The designated smoking area shall be monitored by staff throughout its use to control the number and behaviour of patrons so as not to cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of residents/businesses and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area.
 - (g) Restaurant staff shall supervise the arrival and dispersal of guests to prevent noise nuisance.

The Chair made the following statement:

“After considering the papers and evidence provided to the Licensing Sub-Committee and having listened carefully from the applicant and hearing from the objections of the residents that were represented by their ward councillors Tom O’Halloran and Cllr Julian Sampson, the Licensing Sub-Committee have reached a decision.

The Licensing Sub-Committee was particularly mindful that Bramley Restaurant is located in close proximity to the residential area but having taken into account the licensing objectives, and provisions to mitigate the risk, the Licensing Sub-Committee were persuaded that the application can be granted in part following the applicant’s agreement to modify the conditions as proposed by the Local Authority and reduce the hours from the original application.”

The Chair thanked everyone for their time and the meeting ended at 12:18.