

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 21 OCTOBER 2015**

COUNCILLORS

PRESENT (Chair) Chris Bond, Derek Levy and Dogan Delman

ABSENT

OFFICERS: Charlotte Palmer (Licensing Enforcement Officer), PC Gary Marsh (Metropolitan Police Licensing Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Mr Colin Younger (spokesperson) and 4 local residents (Interested Parties re Starfish & Coffee)
Mr Aykut Hilmi and Mrs Ingrid Hilmi (Directors, Starfish & Coffee Ltd)
Ms Emma Dring, Cornerstone Barristers (on behalf of Metropolitan Police Service)
Mr Stephen Thomas, solicitor for Premises Licence Holder, Black Horse Public House
Mr Philip Lamb, Regional Manager, Enterprise Inns PLC
Mrs Isil Busurk (Premises Licence Holder), Mrs Wendy Glasgow (DPS), Mrs Josephine Wilson (Kitchen Manager) (Black Horse Public House)

200

WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed all those present and explained the order of the meeting.

201

DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of items on the agenda.

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**STARFISH & COFFEE, 92 ALDERMANS HILL, LONDON, N13 4PP
(REPORT NO. 101)**

RECEIVED the application made by Starfish & Coffee House Limited for the premises known as and situated at The Starfish & Coffee, 92 Aldermans Hill, London, N13 4PP for a new Premises Licence.

NOTED

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1. The introductory statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The venue was previously an estate agents and had therefore never had a premises licence.
 - b. The application for a new premises licence had been made by Mr Aykut Hilmi on behalf of Starfish & Coffee House Limited.
 - c. The hours sought were as set out on page 1 of the agenda pack.
 - d. The application had been considered by the Police and the Licensing Authority and, following agreement on modified conditions, their representations were withdrawn.
 - e. A further 12 representations had been made against the application and two representations in support, from interested parties who were local residents. The representations were set out in Annex 03 to the report.
 - f. The applicant had attempted to mediate with objectors, but only two interested parties attended the meeting. No representations were subsequently withdrawn or amended.
 - g. The interested parties' representations were based on concerns related to the licensing objectives of public safety, prevention of crime and disorder, and prevention of public nuisance. There were concerns about the outside seating area in particular, noise, traffic and parking, intimidation by customers, littering, and about what future owners might do.
 - h. Interested parties 3 and 8 had proposed modifications to a licence to limit opening hours until 16:00/16:30 Sunday to Friday and to 18:00 Saturday, and to 21:00 one night per month.
 - i. A street trading licence had been granted in September 2015, permitting outside seating at the venue.
 - j. A temporary event notice was in place on 17/10/15, and no complaints had been made to the Council.
 - k. Recent legislation changes relating to regulated entertainment were highlighted, as set out in Para 4 of the report.
 - l. The licence would be in the name of Starfish & Coffee Limited, not Mr Hilmi. Mr and Mrs Hilmi were directors of the company and were present at this hearing.
 - m. IP7, Mr Younger, was acting as spokesperson for the interested parties and on behalf of Fox Lane and District Residents' Association. IP3, IP10 and IP11 were also present at this hearing.
 - n. In response to Members' queries regarding the street trading licence, Charlotte Palmer advised that this had been referred to for information as some of the representations related to the outside tables and chairs. That licence was separate from today's hearing. Interested parties confirmed that they were aware of the situation and understood that they were without an ability to object to the street trading licence.
2. The statement of Mr Colin Younger, on behalf of the interested parties, including the following points:

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- a. He highlighted that stricter conditions may be applied where a premises was in or adjacent to residential areas, so that disturbance could be avoided.
 - b. The main concern was the venue's location and relationship to Lakeside Road residential area, the flats above the premises, and the old people's home opposite. At least one of the residents of the old people's home had told him of concerns about potential noise particularly from the outside seating area, as they were opposite the premises and had single glazed windows. There was also concern in the wider area.
 - c. In the early stages of the application, it had been stressed that this would be a high end coffee bar, but there was concern that the operation involved supply of food and alcohol, and it was seen locally as a sports bar not vastly different to a pub. The application sought supply of alcohol to 21:30 each evening. The street trading licence permitted 20 chairs and six tables. So there could be around 20 people outside drinking. This could be a problem.
 - d. The proposed conditions relating to use of the outside area did not entirely address the concerns. That 'moveable' external seating shall be removed 'where practicable' by 20:00 did not seem to be an effective or enforceable condition.
 - e. The application would allow alcohol to be consumed outside every evening. There was a contrast between the professed operating hours described by Mr Hilmi and the licensed hours applied for. Residents would be happier if the hours matched the earlier times.
 - f. The applicant may have good intentions, but there was a potential in the future for a pub on site operating to the limits of the licence. Residents would like to see any licence being in line with the professed operating schedule. Noise, litter and behaviour concerns would be reduced if the hours were reduced.
3. Mr Younger responded to questions as follows:
- a. Councillor Levy asked about evidence behind concerns that the business would be a sports bar. It was acknowledged that the business had not yet begun operating, but though it was advertised as a coffee bar, the licence sought seemed unlike other coffee bar operations particularly around films, live music and supply of alcohol. It was a concern that once such a licence was granted it would be permanent and operations could change as a result of business pressure or changed ownership in the future and residents would have no ability to oppose.
 - b. In response to further queries from Councillor Levy, it was suggested that late night private art showings could be dealt with via temporary event notices.
 - c. Councillor Levy queried whether interested parties believed that the applicant had taken all appropriate and reasonable steps to promote the four licensing objectives. Mr Younger highlighted the contrast between the detailed conditions covering noise from inside the property, but that no conditions covered noise generated outside. With potentially 20 / 25 customers outside, there was no limit on the noise they could generate.

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- d. Councillor Delman asked about the distance and relationship to the residential home opposite and addresses in Lakeside Road and whether it would be reasonable to assert they would be affected by noise nuisance. Mr Younger confirmed that the nearest house was no.3 Lakeside Road. He reported that a lady from the care home came out and said she lived immediately opposite and her windows were single glazed and had been affected in the past by noise problems, street drinking and drug dealing in the area, and she was concerned that noise would cause her a problem.
- e. Councillor Bond raised that Aldermans Hill was a busy, noisy road. Mr Younger advised that the concern was that noise would be generated into the turning into Lakeside Road. On the Aldermans Hill side there would not be a disturbance issue, but around the corner was a quiet area.
- f. Councillor Levy raised that some issues mentioned could already exist from other licensed premises and questioned why a new applicant should be punitively prevented from obtaining a licence, and why this venue would attract those who would want to drink and be rowdy. It was responded that with 20 / 25 people outside there could not be a guarantee the premises would not be noisy, and that others would not be attracted to gather there. People gathering in the area would be an issue if furniture was left out overnight: if there was a bench on the highway people would sit there and drink.
- g. In response to Councillor Levy's further queries, Mr Younger acknowledged he could not give hard evidence and that Condition 13 specified that no patrons remain in the external seating area after 20:00, but he believed that if a bench was left out that people (not customers of the coffee bar) would use it. Some of the furniture appeared to be unmoveable. Therefore after hours it would be a magnet for late night drinkers. The conditions to prevent problems arising did not appear effective or enforceable. It would also seem to be a sensible and safe solution if licensed hours were brought in line with the operating schedule.
4. The statement of Mr and Mrs Hilmi, directors of Starfish & Coffee House Limited, the applicant, including the following points:
- a. It was understood that outdoor furniture should be brought in at 20:00 and this was abided to. There would be no fixed seating outside the venue overnight. The vision for the outdoor seating area was that customers would be able to sit outside during the day and enjoy a brunch in front of the park. Its use was not envisaged at night time. Customers would only go outside in the evening to smoke. Comments of residents and the Police had been taken on board and furniture was brought in after 20:00. It was agreed that when people went outside after 20:00, drinks must be left inside. The coffee house wished to host live jazz and an art gallery to show beautiful work for free to the public.
- b. Mr Hilmi had lived in this area all his life. He appreciated the local residents' concerns and that is why he scheduled a meeting to get to know the objectors. He had made himself available to answer any questions, and he had generally been met with positivity in the area. He had tried to address all concerns.

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- c. It was confirmed that the usual operating hours would be until 16:30 Monday to Friday, 18:00 on Saturday, and 16:00 on Sunday, but they wished to hold occasional art events until around 21:00, including serving alcohol and therefore applied for an overall limit for opening hours.
 - d. It was preferable to have a licence as sought, rather than applying for a temporary event notice (TEN) on each art event occasion. Each application for a TEN was subject to a £21 fee and required ten days' notice, which was not considered fair and would not give them the necessary freedom to arrange art events.
 - e. The concerns of residents had been taken into account in that an application had not been made for opening hours later than 22:00.
 - f. It was aimed to organise exhibitions and bring art culture to the area, and to try to do something good.
 - g. Their adjoining neighbours had no concerns. Residents in the flats upstairs were quite excited about the business. The freeholder was on board.
 - h. Mr Hilmi met with the manager of the care home and was told that no-one had concerns. In talking to care home residents he received supportive comments.
 - i. Mr Hilmi tried to do everything in his power to approach local residents including writing letters about what was proposed. He was disappointed when he had taken time and effort to set up a local meeting, including ward councillors, that only one objector out of 12 attended. He had tried his best to give reassurance to everyone.
5. Mr and Mrs Hilmi responded to questions as follows:
- a. In response to the Chair's queries regarding Condition 13, the applicants were agreeable to an amendment to the wording so that all external seating should be removed by 20:00.
 - b. Clarification was requested regarding on and off sales and the relevant premises plan. It was confirmed that in an email to the Licensing Authority, Mr Hilmi had confirmed that the application should state on and off sales, and the correct plan was included in the agenda pack.
 - c. In response to Councillor Levy's query, it was clarified that the event on 17/10/15 for which a TEN had been granted had not gone ahead because the venue was not ready.
 - d. In response to Councillor Levy's further queries about the number of arts events envisaged, it was stated that there may be around one or two per month, but this was a new venture and it was not known how it was going to take off. It was more economical to make a full licence application than an application for a TEN for each individual event.
 - e. In response to queries about closing times on other days, it was advised the coffee bar would always close at the times given, and at the latest 18:00 on Saturdays.
 - f. It was confirmed that alcohol would be served ancillary to art events, but would also be available at other times including Sunday afternoons. The food which was planned at the venue included soups, sandwiches, salads, bruschetta, and fresh bread.

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- g. Reassurance was given that the venue would not be a seven night a week late night business.
6. The summary statement of Mr Younger, confirming the interested parties' position was still that the part of the licence relating to alcohol and use of the outside area should be brought into line with the stated operating intentions. A set of clearly agreed conditions would ensure that Mr and Mrs Hilmi could work to the benefit of the neighbourhood.
 7. The summary statement of Mr and Mrs Hilmi that they would like to have the opportunity to give customers the chance to have a glass of wine at the venue if they wished, during the licence hours sought.
 8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer:
 - a. Having heard all of the representations, the sub-committee must take such steps as it considered appropriate for the promotion of the licensing objectives.
 - b. Members' attention was drawn to relevant law and guidance, with emphasis on Home Office guidance at sections 10.13 and 13.18, and the Council's Licensing Policy sections 8.3 and 8.4.

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 Chair made the following statement:

Having read all the written correspondence and considered all written and oral submissions, the Licensing Sub Committee was fully satisfied that the applicant had taken all appropriate steps to properly promote the licensing objectives, and was able to resolve that the application be granted in full.

In so doing, the Licensing Sub-Committee did listen attentively to the points made at the hearing by Mr Younger, both in his own right and on behalf of other interested parties who had voiced objections, but were not persuaded by the arguments advanced because they were largely based on conjecture rather than any firm evidence.

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The one exception related to the situation regarding the removal of the external seating, where in the originally proposed condition 13, there was some ambiguity as to the word 'moveable'. This matter was resolved during the hearing at which the applicant agreed to accede to Mr Younger's request, this agreement captured by mild revision to the wording of the condition to remove the ambiguity and bring clarity to the situation.

The Chair suggested that the Fox Lane and District Residents' Association may like to hold one of their meetings in the venue once it had opened, to show goodwill.

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

Conditions (in accordance with Annex 05 to the report)

- (i) Conditions 1 to 14, which are not disputed,
- (ii) **AND** Condition 13 is amended to read 'Supervisory staff shall ensure that no patrons remain in the external seating area after 20:00, except to enter and leave the premises. All external seating shall be removed by 20:00 hours'.

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THE BLACK HORSE, PUBLIC HOUSE, 179 HERTFORD ROAD, ENFIELD, EN3 5JH (REPORT NO. 102)

RECEIVED the application made by the Metropolitan Police for a review of the Premises Licence held by Mrs Ishil Bursuk at the premises known as and situated at The Black Horse, Public House, 179 Hertford Road, Enfield, EN3 5JH. Also, supplementary information included in the supplementary agenda pack.

NOTED

1. The introductory statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The review application was brought by the Police, in relation to the licensing objectives of the prevention of crime and disorder, and public safety.
 - b. There had been a number of incidents of concern over the last two years, and a more serious incident on 6/8/15.
 - c. The Police sought a suspension of the licence for one month and until the conditions had been implemented and checked; the removal of the Designated Premises Supervisor (DPS); and reduction in hours and licensable activities.

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- d. She understood that Licensing Authority officers, Police, and the Premises Licence Holder and solicitor had met and had discussions prior to this hearing.
 - e. All parties had agreed that it would be appropriate for the licence to be suspended for a minimum of one week rather than one month, and the relevant condition to be amended.
 - f. In respect of the DPS, a new DPS had been appointed and application made though not yet issued.
 - g. In respect of the reduction in licensable activities and hours, it had been agreed that hours for sale of alcohol should be 10:00 - 23:00 daily; films 10:00 – 23:00 every day; indoor sporting events 12:00 – 23:00; and removal of late night refreshment provisions.
 - h. Recent legislation changes relating to regulated entertainment were highlighted, as set out in Para 5 of the report.
 - i. Progress had therefore been made since yesterday and since publication of the supplementary agenda pack, with minor amendments made to proposed conditions. All conditions were agreed between all parties with the exception of Condition 19 in relation to introduction of SIA accredited door staff from the hours of 20:00 until close every day.
 - j. As there had been agreement in respect of the Licensing Authority representation, this representation had now been withdrawn.
 - k. Police had CCTV footage from the venue from 6/8/15 available if members wished to view it.
 - l. As a result of the discussions and agreements between parties this morning, there would not be the need to receive as much detailed information at this hearing as there would at a disputed hearing.
2. The statement of Ms Emma Dring, Barrister on behalf of the Metropolitan Police Service, including the following points:
- a. Largely the parties had agreed on an appropriate way forward and it was for the sub-committee to consider the appropriate steps to take.
 - b. She set out why the agreed steps were considered appropriate.
 - c. The reasons for bringing the review were set out clearly in PC Marsh's statement in the agenda pack, triggered by the assault on 6/8/15. Mrs Bursuk, the premises licence holder, and her daughter were present and there were concerns regarding their response after the incident happened. No contact had been made by anyone at the premises to the Police or Ambulance service. There was lying and covering up when the Police attended, and the area had been cleaned. Mrs Bursuk in her statement accepted PC Marsh's evidence that she did not act appropriately. The Police had CCTV footage of the incident available for members to view if they thought it would assist them to see it.
 - d. There was also a long history to this matter. A review was brought in 2009 by a local resident and as a result the hours were reduced and additional conditions added.
 - e. The representation by the Licensing Authority had now been withdrawn, but evidence in respect of officer visits and complaints was accepted by

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Mrs Bursuk. There had been repeated breaches of conditions, especially in respect of use of the outside space.

f. The premises at least more recently had attracted an undesirable element including gang members. This was reflected in Police intelligence reports. There had been assaults over the years, and bottles had been used as weapons. Police had also had to attend the premises to deal with intoxicated people.

g. Statutory guidance was that there needed to be a stepped approach to dealing with such issues at a licensed premises. There had been warnings and informal engagement with this premises. A more serious approach was now needed in response to the concerns.

h. The causes of the problems were seen as poor management controls, and inability to comply with conditions and to uphold the licensing objectives. The need for strong management was paramount. The nature of the premises was attracting the wrong type of customer: this also needed to be addressed. There were inadequate controls on entry and removal of people on the premises. If appropriate controls had been in place, perhaps the undesirable elements would have been unable to become established in the first place.

i. A first step was the removal of the DPS. An application had been received on Monday to make Mrs Wendy Glasgow the new DPS. This change had taken effect immediately and Mrs Glasgow was DPS on an interim basis until that application was decided. There was clearly no longer a recommendation to remove the DPS. A new condition was proposed in case the new DPS application was withdrawn or not granted, so that Mrs Bursuk or a member of her family could not step back in as DPS.

j. A temporary suspension of the licence had been agreed between the parties as the aims could be achieved in a shorter period of time of seven days.

k. Some proposed changes were quite radical, including reduced hours, new DPS and CCTV installation. These would take time and there would be an opportunity to impose these while the premises were closed. That time period would also break the pattern of use by customers and would give an element of deterrence.

l. The opening hours of this venue, until 03:30, were exceptionally long hours more expected at a night club rather than a pub, and could send the wrong message. The victim of the incident on 6/8/15 stated that he arrived at the premises at 01:00. Police crime reports had been checked and it was found that three other assaults at the premises took place after 00:00. An assault on 1/2/14 took place at 00:30, on 24/5/14 a large fight took place at 00:30, and on 27/5/14 there was an assault between two customers at 00:30 – 00:50. Therefore there was a pattern of incidents in the later period.

m. Police had been called on a number of occasions to intoxicated customers refusing to leave or causing problems. That level of intoxication was partly attributable to the late opening hours. The premises was also out of step with the Cumulative Impact Policy core hours.

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- n. A reduction in hours had been agreed by the Premises Licence Holder for sale of alcohol to 23:00 and closing at 23:30. Late night refreshment had been taken out altogether.
 - o. Proposed conditions had been set out in revised Annex 06 in the supplementary agenda pack. Condition 18 was proposed in relation to CCTV as there were some blind spots at the moment and Police believed it needed to be improved as it could provide vital evidence in case of crime. These requirements were agreed by the premises licence holder and would help further the crime and disorder objective.
 - p. Condition 20 was agreed in relation to searching as a condition of entry. This would deter people who might be carrying drugs or weapons and give a visible sign of control.
 - q. Condition 21 was agreed, with an appropriate addition this morning that customers were not to be supplied with glass bottles or drinking vessels with the exception of bottles of wine. This was in recognition of the business trying to become more food-based.
 - r. It was noted in relation to Condition 26 that no reference had been made to training in relation to drug awareness so it was suggested that was included to make the condition comprehensive.
 - s. An additional Condition 30 was agreed in relation to the DPS, to prevent the current Premises Licence Holder or her family members from becoming DPS and to prevent them from being involved in the day to day running of the premises. A new DPS would manage the premises and ensure that management concerns were appropriately dealt with.
 - t. In relation to Condition 19, the parties had more discussion. It was the view of the Police that introduction of two door supervisors from 20:00 until close would be appropriate, practical and effective. There were concerns that just one door supervisor would not be effective to do the intended job. The requirement for searching would be more difficult with a single door supervisor and there were potential issues searching males and females. If something was to happen inside or a break was taken there was a risk the door would be unsupervised if only one supervisor was employed. It was appreciated there was a cost implication, but proportionality of the condition had been considered and two door supervisors would be ideal and what was recommended.
3. Ms Dring responded to questions as follows:
- a. Councillor Levy asked about the timescales relating to the DPS application, PC Marsh confirmed that Police had received the application but all checks had not yet been completed to give approval to Mrs Glasgow's appointment but she was effectively DPS in the interim until the application was determined.
 - b. In response to Councillor Levy's queries regarding the proposed operating hours, it was advised that the proposals were intended to bring back the hours to those of a traditional pub with traditional hours, as it once was.

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4. The statement of Mr Stephen Thomas, solicitor, on behalf of Mrs Ishil Bursuk (Premises Licence Holder), including the following points:
 - a. He was gladdened by the honest approach of Mrs Bursuk, and by the help that Mrs Glasgow had given. He highlighted the letter from Mrs Bursuk in the supplementary agenda pack. She had been a licensee in Enfield for 21 years and had served the borough well and had received an accolade from Enfield In Bloom: so it was sad to have come to this point.
 - b. There was a need to look at the cause of the problems and make a proportionate response. No-one was seeking to close this premises. It was accepted by Mrs Bursuk that she did not handle matters as she should have in August, and that she should no longer be the DPS.
 - c. Mrs Glasgow had become the DPS with immediate effect and within 14 days, providing there was no Police objection, she would be confirmed in that position. That was why there was agreement to an additional condition to ensure there was no route back for Mrs Bursuk as DPS.
 - d. Parties also agreed that a seven day licence suspension was practical, and understood the need to comply with conditions, and that a suspension would be extended if they were not in compliance.
 - e. The cause of problems had only happened in recent times. There was a concern that gangs had started to infiltrate the premises and cause issues in an otherwise well-run pub. One problem had been the construction of shisha huts outdoors, initially built as smoking shelters, which became run independently and began to attract the wrong type of people.
 - f. On the arrival of Mrs Glasgow on Monday, she had immediately closed the pub garden so the outdoor area could no longer be used. The decision had been taken that it would remain closed until the end of February 2016: this could be added as a condition. A quote had been obtained for removal of the huts. The outdoor area would revert to a traditional beer garden, with smoking being permitted at the front of the pub under a canopy, in full public view. A seven day licence suspension would also assist with removing the undesirable elements who had been using the premises.
 - g. The comments of the Police in respect of the timing of some criminal incidents were accepted. His client had insisted agreement to a substantial reduction in hours. This was a major financial decision and would have a punitive effect on the business. It would be a major signal that the premises was going to operate in a completely different style.
 - h. Use of polycarbonate drinking vessels was accepted, but the business would wish to serve bottles of wine. That would seem appropriate and it would hamper the business otherwise.
 - i. The criticism had to be accepted that there has been poor management. The management would now be changed, with Mrs Glasgow becoming DPS and Mrs Wilson as a new Kitchen Manager. Mrs Glasgow's vision was that the business would be taken forward as a food-based operation. Mrs Wilson was qualified in catering and hospitality, health and safety and hygiene. She used to work with Mrs Glasgow and was a team leader: she was ideally suited to take on board some of the training issues. A draft training manual had been prepared to take the operation forward.

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j. A seven day period of closure would permit refurbishment, with the installation of new CCTV and removal of the outdoor huts, and give the opportunity to begin marketing the food business, including coffee mornings and afternoon tea, and Christmas meals in December. A vegetarian section would also be added to the menu. It was planned to hold local 'mover and shaker' evenings to offer a taster of food on offer. Tablecloths and menus would give an atmosphere of a pub/restaurant: this was what the premises wished to become, and to be a benefit to Enfield.

k. The request by the Police for two SIA accredited door staff, in proposed Condition 19, was problematic in terms of effect on the business. The pub was currently running at a £3,500 loss per month and would be subject to costs of removing the outdoor huts and of installing new CCTV, and Mrs Bursuk had little left in reserves. A seven day suspension would also mean a loss of one week's trade, and reduction in hours would be a permanent loss of trading time every night. The quote for two door supervisors was £4,000 per month. Such a cost would leave the business without any money by the end of the year as it moved into the quiet month of January. It would be difficult to make a success of the business on that basis. Risk assessments could suggest an appropriate level of door supervision and searching. The business wished to develop family and local community trade and feared that customers may be put off by a high level of door supervision.

l. It was accepted that Mrs Bursuk or member of her family should not take any management or supervisory role. It would play to Mrs Bursuk's strengths which were people skills and mean she would not need to worry about running the premises. Mrs Glasgow would be in day to day control. The preparation of the training manual showed the serious intent to run the business correctly with proper systems in place.

5. Mr Thomas responded to questions as follows:
 - a. Members commented that the major consideration was promotion of the licensing objectives. Councillor Levy raised that previous licence breaches could have potentially resulted in a fine larger than the financial costs now being described. In response, Mr Thomas acknowledged members' views, but that any action should be proportionate and appropriate. The financial loss involved in seven days' closure and reduced hours would be a substantial penalty. When PC Marsh had visited the premises he had stated that he did not want to see the pub closed, and that he would wish to see introduction of one door supervisor. The main problem related to the huts, and these were going to be removed and the garden closed. He asked that the very positive steps proposed were taken on board, and that the aim should be to see a viable pub/restaurant here.
 - b. In response to the Chair's query, it was confirmed that the huts were run under a rental arrangement to an individual, though the rent had not been paid. A condition in respect of removal of the huts within seven days would be acceptable.
 - c. Ms Dring raised that Police would be happy to see the huts voluntarily removed, but did not consider the huts as the only source of problems, and

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that the incident on 6/8/15 took place inside the pub. The plans for the premises were welcomed, but were aspirational with no guarantee they would come to pass which affected the weight to be given to them. It was also considered appropriate to introduce two door supervisors every night, noting that the incident on 6/8/15 happened on a Thursday not a weekend. There was a need for actions to be proportionate bearing in mind the seriousness of problems at the premises.

d. The Chair asked if the premises would be showing sports on TV. It was advised that the subscription to Sky had been stopped a few years ago due to the high cost. They did have live TV. In response to the Chair's further points that sports coverage was advertised on the outside of the pub, it was re-confirmed that they did not now show it and that they used to but it was too costly.

e. Councillor Levy asked if Enterprise Inns PLC which owned the pub had made a formal representation or wished to comment. It was confirmed that a letter had been received from the company and that Mr Lamb, a regional manager from the company was present at this hearing. Mr Lamb advised that the company was not a brewery and the majority of premises were on a leased basis. The company was there to support where it could with certain elements, but relied on publicans to inform them of what happened within a business. If there was a breach of the lease or of licensing conditions the company would potentially take action. Limitations on a licence may affect re-letting as a viable business. The company was made aware of the incident on 6/8/15 by PC Marsh and not by the Premises Licence Holder, and had tried to offer support. The company were aware of the outdoor huts, but had not considered them an issue if they were managed properly.

6. The closing statement of Charlotte Palmer, Licensing Enforcement Officer:
 - a. Having heard all of the representations, the sub-committee must take steps considered appropriate for the promotion of the licensing objectives further to the measures agreed by all parties.
 - b. Members' attention was drawn to relevant law and guidance, with emphasis on Home Office guidance at section 11.20, and the Council's Licensing Policy section 10.3.

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.

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2. The Chair made the following statement:

We have listened to the arguments put forward by the Police and the legal representative for the Premises Licence Holder. We have also considered our Licensing policy and the Licensing objectives in the Licensing Act. We were pleased to see that there was agreement reached between the Police and Premises Licence Holder about some modifications to the licence. We have therefore concluded that it is appropriate for the promotion of public safety and the prevention of crime and disorder to reduce the hours of licensable activities, remove late night refreshment from the licence, amend and add conditions and suspend the licence for a minimum of seven days and until the conditions are met and checked as being satisfactory.

The Police advised that they were no longer seeking removal of the Designated Premises Supervisor (DPS) as an application had been submitted to vary the DPS since the review application was made. The DPS application had not yet been determined, so condition 30 was added to promote the licensing objectives should the DPS application be withdrawn or not granted. The sub-committee were persuaded by the argument put forward by the Police that two SIA door staff were needed rather than one so as to be effective for searching males and females and to ensure that the door remained supervised should another SIA registered staff be needed for any incidents within the premises. It was appreciated that there was a cost implication to the Premises Licence Holder, but this was weighed up against the risk to public safety and crime and disorder and determined that the condition was proportionate. The suspension is the minimum considered necessary in order to put the modifications to the licence in place and to be checked as satisfactory by the police or licensing authority.

3. The Licensing Sub-Committee resolved that it considered it appropriate for the promotion of the licensing objectives to suspend the licence for a period of not less than seven days AND until the conditions have been implemented and checked by the Police or Licensing Authority, and to also exclude a licensable activity from the licence and modify the conditions of the licence in accordance with revised Annex 06 to the report: Conditions 1 to 18, and Conditions 20, 22, 23, 24, 25, 27, 28 29, which are not disputed remain the same; and amend conditions and add additional conditions as follows:

- a) Condition 19 (amended) to require a minimum of two door supervisory staff daily from the hours of 20:00 until 30 minutes after close of the premises.
- b) Condition 21 (amended) - All drinking vessels to be replaced with polycarbonate drinking vessels and these to be used at all times.

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Customers are not to be supplied with glass bottles or drinking vessels with the exception of bottles of wine.

- c) Condition 26 (amended) - All training relating to the sale of alcohol, drugs awareness, and the times and conditions of the premises licence shall be documented and records kept on the premises. These records shall be made available to the Police and/or Licensing Authority upon request and shall be left for at least one year.
- d) Condition 30 (new) - Neither Mrs Ishil Bursuk, nor any member of her immediate family shall be entitled to occupy the role of Designated Premises Supervisor and shall not be involved in the day to day running of the licensable activities at the premises.
- e) Condition 31 (new) – To demolish the huts used for shisha in the rear garden within seven days.
- f) As agreed between the Police and Premises Licence Holder, the hours of the licensable activities shall be reduced for the supply of alcohol 10:00 to 23:00 daily, Films 10:00 to 23:00 daily, Indoor sporting events 12:00 to 23:00 daily, opening hours 10:00 to 23:00 daily, live music 12:00 to 23:00 daily and recorded music 10:00 to 23:00 daily and removal of late night refreshment from the licence.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting held on Wednesday 16 September 2015.

AGREED that the minutes of the meeting held on 16 September 2015 be confirmed and signed as a correct record.