

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 12 SEPTEMBER 2018**

**COUNCILLORS**

**PRESENT** (Chair) George Savva MBE, Derek Levy and Jim Steven

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Victor Ktorakis (Trading Standards Service), PC Martyn Fisher (Metropolitan Police Service), Antonia Makanjuola (Legal Services Representative), Jane Creer (Democratic Services)

**Also Attending:** Mr Pirnazar Jorayev, applicant and Mr Graham Hopkins, GT Licensing Consultants  
Also 1 officer and 1 councillor attending to observe

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**ELECTION OF CHAIR**

The committee secretary opened the meeting and asked for nominations of the position of chair.

Councillor Levy moved and Councillor Steven seconded the proposal that Councillor Savva be chair for this meeting.

This was agreed.

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**WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Savva as Chair welcomed all those present and explained the order of the meeting. There were no apologies for absence.

**718**

**DECLARATION OF INTERESTS**

There were no declarations of interest.

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**THE LINCOLN ARMS, PUBLIC HOUSE, 155 PERCIVAL ROAD, ENFIELD,  
EN1 1QT (REPORT NO. 69) N.B. APPLICATION NOW WITHDRAWN**

NOTED that this application had been withdrawn and was therefore not considered at the meeting.

**720**

**AMBROSIA RESTAURANT, 10 STATION ROAD, WINCHMORE HILL,  
LONDON, N21 3RB (REPORT NO. 70)**

RECEIVED the application made by Mr Pirnazar Jorayev for a variation of a premises licence at the premises known as and situated at Ambrosia Restaurant, 10 Station Road, Winchmore Hill, London, N21 3RB.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
  - a. This restaurant was on the edge of a commercial parade in Winchmore Hill on a busy residential road. The premises had been a restaurant since before 2005.
  - b. The application sought a modification to conditions, to amend the plan, to amend seasonal variations, and increase licensable times on Sunday to match the rest of the week.
  - c. Three representations were received: from the Police, the Licensing Authority, and from a local resident, referred to as IP1. The responsible authorities did not object to the plans or timings, but not all proposed conditions had been agreed. Representations were based on all four licensing objectives. IP1 objected to the application in its entirety. IP1 was not in attendance, but the written representation was set out in Annex 5.
  - d. The Licensing Team had received two identical letters in support of the application, but the writers did not confirm these could be included in the report. It was noted that both letters incorrectly stated there would be no increase in licensable activity hours.
  - e. The applicant had agreed most of the proposed conditions as set out in Annex 6 version 2. The only proposed conditions not agreed were numbers 1, 2 and 19, and it was recommended to add proposed conditions 22 to 24.
2. The statement of Victor Ktorakis, Trading Standards Service, including:
  - a. The Licensing Authority was pleased that the majority of the proposed conditions were agreed, but conditions 1, 2 and 19 were considered appropriate to prevent public nuisance.

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- b. A terminal hour no later than 22:00 for use of the outside areas was recommended because this was a residential road with residential properties close by. Allowing people to sit outside until 23:30 could lead to noise disturbance to local residents at a time when ambient noise was lower. A 22:00 cut off time would be more appropriate.
  - c. Proposed condition 19 was part of the current licence, but the applicant wished it to be removed. The premises was a restaurant and sale of alcohol was only with table meals. The applicant had offered an alternative condition. The Licensing Authority had concerns that this could lead to the premises trading as a bar rather than a restaurant to 00:30. This would require a change in planning use to trade legally. The Licensing Authority was already concerned that residents could be disturbed and this could be worse if customers were allowed to consume alcohol without food.
  - d. The proposed conditions 22 to 24 offered by the applicant did not change the views of the Licensing Authority that alcohol should only be served with a meal, and that the outside area should not be used after 22:00. The offer of having a door supervisor on duty only reinforced the officers' opinion that the premises wanted to trade as a bar.
  - e. The Licensing Authority had no objection to proposed conditions 23 or 24, and would suggest that signage could also set out the times of use and the capacity limit of the terraces.
3. Victor Ktorakis on behalf of the Licensing Authority responded to questions including the following:
- a. In response to Members' queries about the reasons for believing the premises wanted to operate as a bar, it was advised that extending the times and allowing people to just come in for a drink opened this premises up to being a bar. The signage outside also included the words 'wine bar'.
  - b. In response to queries regarding the pub opposite, it was confirmed that the On Broadway pub closed at 01:30 Friday and Saturday with last sale of alcohol at 00:30. No more than ten people at a time were permitted to use the pub's smoking area from 21:00 to closing time, which was at the front of the pub on Green Lanes itself.
  - c. It was advised that the recommendation to limit use of this premises' smoking area to no more than five people at a time was related to its likelihood of causing a noise nuisance due to the proximity to residential premises.
  - d. It was confirmed that the Licensing Authority had recorded no issues in the past regarding breach of the extant licence or of this applicant's ability to operate a licence.
  - e. It was confirmed that the Police agreed with everything stated by the Licensing Authority and in particular that the terraces should not be used after 22:00.
4. The statement of Graham Hopkins, licensing consultant, on behalf of the applicant, including:

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- a. Mr Pirnazar Jorayev had owned this premises since 2016. He had nine years' experience in the restaurant business and had held a personal licence for four years. He had two other premises in Leytonstone.
- b. The premises' customer base was generally over thirties, and pricing was used as a tool to attract a certain level of customer and to deter irresponsible drinking. This was not going to change in the future. The premises was well laid out as a restaurant and offered a full menu.
- c. It was understood that an application for planning consent would be needed in respect of the terraces and change of use.
- d. The applicant was happy to agree to the majority of the proposed conditions, and the focus was on only two areas of contention.
- e. IP1 was not present, but a large part of their representation referred to the pub across the road rather than noise from this premises. If a grant of this application led to any problems, there was an opportunity for review.
- f. The application was demand-led. Half an hour between last supply of alcohol and closing hour was more normal and allowed customers to finish in an orderly manner and leave quietly.
- g. The applicant would like the freedom to choose to keep the terraces open to 23:30. He had been to see the residents who lived immediately behind the premises, and they had had no objections. Only one resident had objected. This was the reason that an additional condition was offered of employing a door supervisor to aid dispersal of customers and there would be a written dispersal policy. The instructions of a door supervisor would carry greater weight.
- h. The applicant did not want to turn the premises into a bar, but it would be more like a French-style café bar. Use of toughened glass would be a safety measure, and no bottles would be permitted on the terraces. Signage and door supervisors would assist with ensuring people dispersed quietly. On weekdays there would be a staff member acting as 'meeter and greeter' who would remind customers not to cause noise, and there would also be monitoring by CCTV. There had been customer demand to use the terraces during the recent hot weather; and it was accepted this use must be closely monitored. They did not want to disturb the neighbours.
- i. The Police criminal intelligence was negative. The premises had a clean record. This suggested that the evidence was not there to say that the terraces' use would cause nuisance: were it to, appropriate measures could be taken.
- j. People frequently asked if they could just have a drink at the premises, and when refused they would cross the road to the pub. It would be better to keep the customers at Ambrosia, to let them enjoy a drink on their way home. The applicant wanted the freedom to operate the business the best he could, and to not lose potential customers. There would be no 'vertical drinking': there would be table service only.
- k. The terraces could seat 10 people at the front and 20 at the rear, which would increase the premises' capacity from 60 to 90. The neighbours had not raised concerns. The applicant also wished to run his business

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successfully. In respect of two complaints, in 2016 and 2017, nothing was substantiated. At that time there was live music occasionally. There had been nothing reported this year.

- l. The training records were available. All signage was correctly displayed. The premises had a refusals book.
  - m. There was no evidence that use of the terraces would cause noise nuisance. This was a well run venue. The Police agreed that the restaurant operated successfully. This honest application was better than using Temporary Event Notices. If complaints were received from residents, those would be addressed. Neighbouring residents were also the restaurant's customers. The robust conditions and the proposed additional measures including employing door supervisors for authority would ensure customers did not cause noise disturbance.
  - n. It was emphasised that if the variation was granted, customers would still have to be seated to be served alcohol by staff. The smoking area use would also be limited to a maximum of five users at a time, and only until 23:30.
5. The applicant and their representative responded to questions, including:
- a. In response to Members' queries about current use of the terrace areas, it was confirmed that the rear outdoor area was not used already; customers went outside to the front to smoke, but the rear was closed. The front was primarily a smoking area, and it was acknowledged that planning permission would be required for restaurant use of the terraces. The decision to apply for the licence variation before applying for planning permission was purely due to cost, but the applicant had instructed a planning consultant and plans had been drafted.
  - b. In response to queries regarding the licensing objective to prevent public nuisance, it was confirmed that the preventative measures were the offer to employ door supervisors, the prominent signage, well trained staff, and CCTV. The applicant still wanted to use the terraces later than 22:00 as customers wanted to sit outside when the weather was warm. He had consulted the neighbours and they did not object; and if there were complaints the terraces would be closed. The door supervisors would patrol the terraces and would have greater authority than general members of staff.
  - c. In response to further queries from the Chair, it was confirmed that the responsible authorities had no objections to the increase in hours sought, but that a local resident had: IP1 objected to the application in its entirety.
  - d. In response to Members' suggestions, further instruction was taken from the applicant and he was prepared to reduce the time sought for use of the terraces to a terminal hour of 23:00.
  - e. In response to queries from PC Fisher, it was advised that the total number of covers would be 10 on the front terrace, 20 on the rear terrace and 60 in the restaurant itself. There was no evidence either

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- way about noise nuisance. The numbers of customers in different areas was the reason the door supervisors would patrol the terraces.
- f. Victor Ktorakis asked whether there was an intention to use the terraces for any other purposes, such as shisha. It was confirmed the applicant only wished to serve food and drink on the terraces and that there would be no music outside. It was advised that the applicant had long term plans with this premises, where he was the owner, manager and DPS.
  - g. The applicant was asked whether in his experience he had seen door supervisors being able to adequately control people who were drinking by asking them to be quiet. It was advised that the managers would also control, and that there would be enough people to maintain control. The customers from this locality were not likely to be shouting, and would follow instruction if told to quieten. They had never had any customers causing nuisance issues. The customers were usually local people over 30 and not noisy youngsters or customers moving over from the pub opposite. The restaurant wanted to meet their customers' demands, for example to have wine or cocktails with nibbles rather than a full meal: at the moment this could not be offered and custom was lost. The staff would be able to maintain control.
6. The closing statement of Ellie Green, Principal Licensing Officer, including:
    - a. If minded to amend conditions, Members' attention was drawn to section 16 b) of the application form, and the applicant's paragraph in the operating schedule that 'Customers will be permitted to have an alcoholic drink without having to have a table meal but all customers must be seated at a table, with service by waiting staff only. A substantial food offer will be available until 22:00 daily.'
    - b. Having heard and read all representations from all parties, it was for the Licensing Sub Committee to consider if the application was appropriate and in support of the licensing objectives, and take such steps as set out in para. 5.8 of the officers' report.
    - c. To assist Members, the relevant guidance and policies were set out in para 5.3 of the officers' report.
  7. The closing statement of Victor Ktorakis, Trading Standards Service, that he had heard nothing that persuaded him to change his representation, and that the Licensing Authority remained concerned that the premises would like to operate as a bar.
  8. The closing statement of PC Martyn Fisher, Metropolitan Police Service, that his objections remained in respect of public nuisance. He had heard nothing to satisfy him that noise nuisance would not be committed, and door supervisors would not be able to mitigate that issue. He would wish the requirement for alcohol to be served only with a table meal to stay, as in his experience people would stand at a bar.

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9. The closing statement of Graham Hopkins, licensing consultant, on behalf of the applicant, that they still asked that proposed conditions 1 and 19 not be imposed so as to maximise business flexibility so customers were not lost now and in the future. There would be two door supervisors on Thursday, Friday and Saturday nights. The Sub Committee were also asked to consider granting use of the terrace area until 23:00.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

“Having heard all the submissions both oral and written, the panel has resolved to agree the variation of the licence in part as follows: to impose Conditions 1 and 2; withdraw Conditions 19 and 22; and applying Conditions 23 and 24 as agreed in Annex 6 Version 2 and hours as sought.

We have reached this decision as we were sufficiently persuaded by the applicant’s case that drinks could be served without a substantive meal.

However the Licensing Authority in respect of the prevention of public nuisance made the case sufficiently to persuade the panel to impose new Conditions 1 and 2 without amendment.”

3. The Licensing Sub-Committee resolved to grant the variation of a premises licence in part:
  - (i) To update the plan which will also include the front and rear terraces;
  - (ii) To amend seasonal variations;
  - (iii) To increase licensable times as sought by the variation;
  - (iv) To modify conditions to those as set out in Annex 6 v2 of the report, with the removal of proposed conditions 19 and 22.

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**MINUTES OF PREVIOUS MEETING**

**LICENSING SUB-COMMITTEE - 12.9.2018**

RECEIVED the minutes of the meetings held on Wednesday 11 July 2018 and Wednesday 8 August 2018.

**AGREED** that the minutes of the meetings held on Wednesday 11 July 2018 and Wednesday 8 August 2018 be confirmed and signed by the Chair as a correct record.