

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 13 MARCH 2019**

COUNCILLORS

PRESENT (Chair) George Savva MBE, Anne Brown and Maria Alexandrou

ABSENT

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

Also Attending: Mr Michael Kirby (Designated Premises Supervisor), Ms Karen Cochrane (Flint Bishop Solicitors) and representative of Star Pubs and Bars Ltd - on behalf of the applicant
Mr and Mrs Nolan - Interested Parties (IP2)

1009

WELCOME AND APOLOGIES FOR ABSENCE

Councillor Savva as Chair welcomed all those present and explained the order of the meeting.

1010

DECLARATION OF INTERESTS

There were no declarations of interest.

1011

**HOP POLES PUBLIC HOUSE, 320 BAKER STREET, ENFIELD, EN1 3LH
(REPORT NO 201)**

RECEIVED the application made by Star Pubs & Bars Limited for the premises situated at The Hop Poles Public House, 320 Baker Street, Enfield, EN1 3LH for a Variation of a Premises Licence (LN/200502201).

NOTED

LICENSING SUB-COMMITTEE - 13.3.2019

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. The application was for variation of a premises licence held by Star Pubs & Bars Ltd for the Hop Poles public house.
 - b. The pub was located in a mixed commercial parade on a busy road and with surrounding residential properties.
 - c. The pub had been operating since before 2005.
 - d. The application sought extension of hours for licensable activities until 02:00 latest at weekends: this would be an extra two hours for alcohol sales and music, and an additional one hour during the week. This would equate to a reduction in part as the pub was currently able to open 24 hours a day.
 - e. A number of representations had been received: from the Police, the Licensing Authority and three others referred to as IP1 to IP3, who were local residents. There was also a representation in support received from IP4, who was also a local resident.
 - f. The parties had not been able to reach agreement on all conditions or hours sought.
 - g. Mediation had continued between the applicant and the Licensing Authority and the Police, and details of the hours sought were set out on page 1 of the supplementary agenda pack.
 - h. The Responsible Authorities made representation on Prevention of Crime and Disorder; Protection of Children from Harm; and Prevention of Public Nuisance. The residents making representation against the application objected to it in its entirety, as set out in Annexes 5 to 7.
 - i. The representation in support was set out in Annex 8.
 - j. The Licensing Authority had received more representations, but these had either been invalid or out of time or no further information brought forward, but they had still been brought to the attention of the applicant for information.
 - k. The final list of conditions agreed were set out in the supplementary agenda pack. Conditions 1 to 16 were agreed by all parties. Conditions 17 to 22 were not yet agreed, in addition to consideration of the final hours.
 - l. Representatives of the Police sent apologies they were unable to attend the hearing, but had nothing further to add to the written representations.
 - m. IP1, IP3 and IP4 were not in attendance, but equal consideration should be given to representations in writing or provided orally today.

2. The statement of Charlotte Palmer, Licensing Enforcement Officer, including:
 - a. She was pleased to see some conditions agreed, and times specified.
 - b. The Licensing Authority agreed to the start times, but recommended a terminal hour of 01:00 rather than 02:00.
 - c. This premises was not located in a town centre. There were many residential properties in the surrounding area. Operating until 02:00 may be detrimental to local residents: there were concerns they could

LICENSING SUB-COMMITTEE - 13.3.2019

- be disturbed by people leaving and arriving at a time when ambient noise levels were generally lower. If the pub was open later it was also likely it may attract more customers.
- d. Introduction of door supervisors was welcomed, but they would only be able to control people immediately outside the pub and not in nearby residential streets.
 - e. Residents could be affected by music at this venue, especially during warmer months of the year. There were concerns about noise escaping from the pub. Officer observations had shown that loud music was audible outside, from the pub if not the function room, but there was potential for noise escape from older windows and from the door. Reminders had been given about the need for sound checks, but there had been no evidence this was done during the inspection. Officers had not yet followed up this inspection as many conditions were being amended, but there would be a re-inspection in due course. Concerns about lack of compliance with the licence had lowered officers' confidence in those managing the pub.
 - f. Condition 8 in respect of operation of music equipment was included on the current licence, but was not being offered now. The applicant was not willing to accept the request for a noise limiter at this stage. The Licensing Authority believed that noise concerns could be mitigated by suggested additional conditions 19 to 22 in the supplementary agenda pack.
 - g. On the advice of the Enforcement Team, the applicant submitted a number of Temporary Event Notices (TENs) towards the end of 2018 to temporarily extend hours, but it was noted that any live music events held during the period ended at 00:00, so had not provided any evidence to assist in making an informed decision. That there had been no complaints from local residents during that time was not meaningful.
 - h. In respect of the age verification condition, officers considered this was now covered by the mandatory condition. The Council promoted 'Think 25', but the pub would be able to use 'Think 21' instead, though officers considered their suggested condition to be more suitable.
 - i. The Licensing Authority continued to object to a terminal hour of 02:00 on Friday and Saturday, and recommended 01:00.
 - j. If extended hours were granted, the Licensing Authority would also recommend the last entry time to be amended to one hour prior to closing.
3. Charlotte Palmer on behalf of the Licensing Authority responded to questions including the following:
- a. In response to the Chair's queries regarding the starting hours for licensable activities sought by the Licensing Authority, it was advised that the pub currently had permission for 24 hour opening from the old legislation. The Licensing Authority would like hours to be specified, but the main issue was the terminal hour late at night. It was also confirmed that the previous licence holder had applied for a reduced

LICENSING SUB-COMMITTEE - 13.3.2019

terminal hour as they had not wanted to employ door staff, and that this had not been as a result of a licence review.

4. The statement of Mr and Mrs Nolan, IP2, including:
 - a. They lived in Canonbury Road, within sight and earshot of the Hop Poles pub. This application for live music until 02:00 and closing time of 02:30 in the residential area was completely unacceptable.
 - b. The pub was a very old building with no double glazing, and noise could escape.
 - c. At the moment, no one patrolled outside to check sound levels.
 - d. Customers loitered outside the pub smoking and drinking and this created a noise nuisance.
 - e. Residents did not believe that anything would change in the way the pub operated, but that things would get worse as the hours would be longer.

5. The statement of Karen Cochrane, Flint Bishop Solicitors, on behalf of the applicant, including:
 - a. She confirmed that the premises licence holder Star Pubs and Bars Ltd owned the freehold and had a lease agreement with the tenant Mr Kirby (also the Designated Premises Supervisor) and his business partner Mr Battersby who had been there since April 2017.
 - b. The variation application would tidy up the licence.
 - c. The TENs which were granted in 2018 would have been helpful if they had been used, to show the steps proposed to manage later events and to supply actual evidence. Unfortunately, Mr Kirby's business partner was undergoing treatment for cancer and the premises had not been in a position to put in steps to hold later events, such as recruitment of door staff. This was an opportunity missed, but there had been more pressing matters.
 - d. The variation application would include set opening hours, which would also assist in preventing poker playing into the early hours.
 - e. A significant number of conditions had been agreed, and the Responsible Authorities were thanked for their assistance.
 - f. The points of dispute centred largely on the hours. This hearing had provided a further opportunity for discussion with her clients, and it was now suggested that live music should end by 00:00 daily, including weekends as this was considered more appropriate.
 - g. In the light of this amendment, the proposed conditions 19 to 22 relating to noise mitigation would not be proportionate if music was to cease at 00:00.
 - h. There had not been evidence that noise from music had been a particular problem. Issues in November related to building works in the function room leading to a band and equipment where they should not normally be situated.
 - i. The applicant was seeking flexibility to open and trade later at weekends, until 02:00. However, the pub would not be wishing to open until 02:00 at every opportunity. For the majority of weekends a

LICENSING SUB-COMMITTEE - 13.3.2019

- terminal hour of 01:00 would be sufficient, but there may be occasions when later opening would be required.
- j. A Police search had found no records of concerns relating to the pub.
 - k. It was considered that the conditions offered would ensure that the licensing objectives were promoted, especially the condition in respect of door staff.
 - l. Concerns raised had been speculative, but the client had listened and had acknowledged that live music may not be appropriate. Significant efforts were being made to ensure that noise did not emanate from the venue, including installing carpet in the function room, changing the curtains and blocking vents. The venue would also start to offer food. All responsibilities were being taken seriously. Records had been brought for inspection today, and were all up to date.
 - m. Conditions would ensure that all the licensing objectives were promoted. If there were any issues, there was always an option to review the licence.
 - n. It was good to see there had been a representation in support of the application. Pubs were an asset to an area and local businesses should be supported. Striking an appropriate balance was important, and stopping music at 00:00 but trading later would be a sensible way forward.
 - o. This pub attracted an older crowd rather than youngsters. The proposed refurbishment and introduction of a food offer would make the venue more pleasant and improve the area.
 - p. In respect of conditions, it was not considered sensible or appropriate to insist on a noise limiter.
 - q. The premises currently operated 'Challenge 21' and it worked well and they wished to carry this on. This should not be an issue as this fitted with the wording of Condition 18a. Officers confirmed that it was not necessary to specify the type of ID which was accepted, but that having posters on display was important in defusing potential issues.
 - r. The last entry should be one hour before close.
 - s. Currently, recorded music was permitted 24 hours. It was suggested this should finish 02:00 latest.
6. The applicant's representatives responded to questions including the following:
- a. The Chair queried the practical implications and cost of installing a noise limiter. It was advised that this equipment could be very expensive, but it would also not be appropriate if live music was to be stopped by 00:00.
 - b. In response to Councillor Alexandrou's queries, it was confirmed that transformative refurbishment works were planned, including internal and external double glazing, and replacement of fire doors.
 - c. The Chair asked about the likely number of times the venue would wish to trade to 02:00 per year. It was advised that later hours would only be used on certain occasions, such as a pre-booked party or a late

LICENSING SUB-COMMITTEE - 13.3.2019

- sporting event. The expectation would be that the pub would routinely staff up to 01:00, and would not regularly expect to operate to 02:00.
- d. In response to further queries from officers, the applicant gave agreement to an additional licence condition that written notice would be given to the Licensing Authority on the occasions when the pub planned to use the later hours. Appropriate text for this condition was prepared by the Principal Licensing Officer and this was agreed by all parties.
 - e. Licensing Authority officers were concerned that equipment would no longer be required to be connected to a sound system under the control of the venue, and queried what control would be exercised over the volume of the music. It was advised that sound levels would be monitored when the bands set up. The sound would be set at a suitable level. Staff would also make noise checks outside: these were already in place and being done regularly. The Business Manager held bi-monthly meetings with licensees to ensure that all licence conditions were adhered to. Visits were also made to the pub as a customer. In response to the Chair, it was advised that the applicant would be prepared to install a noise limiter if required.
 - f. In response to further questions about ensuring that customers left the venue quietly and did not cause problems to residents, it was confirmed that door supervisors were being put in place for this control. The door staff would also know whether sound was escaping, and they would remind people to leave quietly. Any decision should be based on evidence, and this was not a noisy or troublesome pub. The customers were generally older at this venue, and more respectful.
 - g. The Interested Parties advised that they had not been disturbed by music, but there had been issues with customers standing outside the pub door by the street corner, which caused a big noise disturbance at weekends. It was advised that there was also a garden to the rear which was closed at 23:00, but the designated smoking area was outside at the front. Customers were not permitted to take drinks outside after 23:00, which would dissuade loitering. It was also hoped that door staff would monitor the situation. The applicant had noted the points made.
 - h. In response to queries from Interested Parties whether there would be a limit on the number of occasions the pub traded late, it was advised that a limit would not be stipulated, but the Licensing Authority must be informed of every pre-planned event. The applicant confirmed that later hours would not be regularly used and their expressed intention had been recorded today. If there were problems with this premises this licence could be reviewed and the licence holders brought back before the committee.
7. The closing statement of Ellie Green, Principal Licensing Officer, that having heard and read all representations from all parties, it was for the Licensing Sub Committee to consider if the application was appropriate

LICENSING SUB-COMMITTEE - 13.3.2019

and in support of the licensing objectives, and take such steps as set out in para 7.3 of the officers' report.

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 carefully considered all the written representations and listened to the oral submissions throughout the course of the hearing, the Licensing Sub-Committee (LSC) concluded that the applicant for The Hop Poles demonstrated steps for the full promotion of the licensing objectives.

The LSC was mindful of the London Borough of Enfield's Licensing Policy Statement and statutory guidance in respect of premises located in or immediately adjacent to residential areas and the impact that even the relatively modest increase in the hours sought for licensable activities could have in terms, primarily on public nuisance, but also the potential for crime and disorder.

The LSC was persuaded that the Premises Licence Holder has been proactive in his approach to responsible operation.

Therefore the LSC agrees to the following:

The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED IN FULL AS AMENDED AT THE HEARING** as follows:

Activity	General Times	Pre-Planned Event Times (to be notified in writing to Licensing team 7 days before event)
Opening hours	Sunday to Thursday 08:00 to 00:30	Sunday to Thursday 08:00 to 00:30
	Friday and Saturday 08:00 to 01:30	Friday and Saturday 08:00 to 02:30
Supply of Alcohol (on and off)	Sunday to Thursday 10:00 – 00:00	Sunday to Thursday 10:00 – 00:00
	Friday and Saturday 10:00 – 01:00	Friday and Saturday 10:00 – 02:00

LICENSING SUB-COMMITTEE - 13.3.2019

Recorded Music	Sunday to Thursday 09.00 to 00:00	Sunday to Thursday 09.00 to 00:00
	Friday and Saturday 09:00 to 01:00	Friday and Saturday 09:00 to 02:00
Live Music	Daily 09:00 – 00:00	Daily 09:00 – 00:00
Performance of Dance	Sunday to Thursday 09.00 to 00:00	Sunday to Thursday 09.00 to 00:00
	Friday and Saturday 09:00 to 01:00	Friday and Saturday 09:00 to 02:00
Late Night Refreshment	Sunday to Thursday 23:00 – 23:30	Sunday to Thursday 23:00 – 23:30
	Friday to Saturday 23:00 – 00:30	Friday to Saturday 23:00 – 00:30

Conditions (in accordance with Revised Conditions in LSC Supplementary report – Annex 11):

- (i) Conditions 1 to 16, which are not disputed,
- (ii) **AND** Condition 18a, and Condition 17 in respect of last entry time one hour before closing to encompass general hours and pre-planned events, and additional Condition below:

The premises licence holder shall inform the Licensing Team, in writing, of their intention to use their extended hours, at least seven days before any such event.

- 3. The Licensing Sub-Committee resolved that the application be granted in full as amended at the meeting and conditions as set out above.

1012 MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting held on Wednesday 12 September 2018.

AGREED the minutes of the meeting held on Wednesday 12 September 2018 as a correct record.