

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 16 OCTOBER 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Mahmut Aksanoglu and Chris Dey

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: (Item 3)
2 representatives on behalf of Espresso & Co (applicant)
1 x Interested Parties (IP2)
Councillor Maria Alexandrou, Winchmore Hill Ward Councillor (observing)
(Item 4)
Councillor Edward Smith, Cockfosters Ward Councillor (applicant) and 4 local residents
2 representatives on behalf of Fancy Fair Markets Limited

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WELCOME AND APOLOGIES FOR ABSENCE

Councillor Bond (Chair) welcomed all those present and explained the order of the meeting.

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DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

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ESPRESSO & CO, 14 THE GREEN, WINCHMORE HILL, LONDON N21 1AY (REPORT NO. 118)

RECEIVED the application made by Mr Metin Cengiz for the premises situated at Espresso & Co, 14 The Green, Winchmore Hill, N21 1AY for a New Premises Licence.

NOTED

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

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- a. The application by Espresso & Co was for a new premises licence for a coffee shop at a premises which had been a few different businesses, but none had required a premises licence.
 - b. The application sought opening hours from 07:30 to 22:30 daily, with alcohol on-sales 11:00 to 22:00. The garden was included in the plan to be attached to the licence and therefore only on supplies of alcohol were required.
 - c. The applicant Mr Metin Cengiz was the proposed premises licence holder and designated premises supervisor.
 - d. The Licensing Authority originally made representation in respect of conditions: these were agreed and the representation was subsequently withdrawn. The agreed list of conditions was set out in Annex 5 of the officer's report.
 - e. No other responsible authorities made representations.
 - f. Five representations were received from other interested parties who were local residents: referred to as IP1 to IP5 and set out in Annex 3 of the report. The objections were based on all four licensing objectives, and the residents lived in The Old Dairy Square and The Green.
 - g. The applicant had provided additional information in Annex 4 of the report.
 - h. In attendance at the hearing were the applicant and his business partner, and IP2 on behalf of the local residents.
2. The statement on behalf of the applicant, including:
- a. This property had been a coffee shop for over five years, and was currently a community coffee shop, where the newly reformed local residents' association had held a meeting recently.
 - b. The simple menu at the premises was shown. Their A1 licence meant food could be re-heated only. There was no extractor. However, the premises was located between two restaurants, and close to 'The Larder' which was licensed with an outside seating area and ran a regular supper club to 22:30. Espresso & Co had no wish to operate in a restaurant manner.
 - c. No application had been made for any entertainment licence.
 - d. The application was for alcohol to be consumed only on the premises. There would not be alcohol taken from the premises to The Green.
 - e. Opening until 22:00 was anticipated only for an occasional community event, less than once per month, and evening garden use even less frequently. The normal coffee shop closing time was envisaged as 17:00 as at the moment.
 - f. The proposed drinks menu was shown in the agenda pack. The business was a family run coffee shop, but customers may enjoy a glass of wine or gin and tonic to accompany a light meal. There would be promotion of local producers.
 - g. The licence requirements would be taken seriously. Staff would be trained, alcohol sales carefully monitored, and no alcoholic drinks would leave the premises.

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- h. The garden was tiny and could not be allowed to hold more than 16 people seated.
- i. There would be no emptying of refuse outside of working hours.
- j. There would be no deliveries outside of working hours.
- k. No external speakers would be allowed.
- l. A Temporary Event Notice (TEN) was obtained for an event during the summer which ran to 20:00 with alcohol, and there were no complaints.
- m. Protection of children from harm was taken seriously. 'Challenge 25' would be in operation. The designated premises supervisor would always be on the premises and also monitor customer behaviour.
- n. Typical customers at the premises were aged 30 to 70, affluent, professionals, and parents.
- o. The applicant was happy to accept all the proposed conditions to the licence.
- p. The applicant was not intending to change the nature of the business, and was not anticipating opening until 22:00, but had taken officers' advice when submitting the application. This was a family business which wanted to be part of the community.

3. Questions were responded to, including:

- a. In response to Councillor Aksanoglu's query about the business's anticipated realistic timings, it was confirmed that day to day opening would be to 5pm. Events were not anticipated later than 8pm finish. However, officer advice was to apply for 10pm to cover all eventualities.
- b. In response to the local resident's query why 10pm was applied for and that it might set a precedent, it was reiterated that officer advice was taken in respect of appropriate maximum times applied for, but the applicant would be happy to reduce the times as it was not the intention to routinely open until 10pm.
- c. The applicant advised that he would be happy to limit the use of later hours to a set number of times per year, and to agree to a condition to that effect.

4. The statement of IP2 on behalf of local residents, including:

- a. She was speaking on behalf of five other residents, who mainly lived in The Old Dairy Square, which was in acute proximity to the premises.
- b. Her property was only separated from the premises by fences and sound could travel easily. Closing at 5pm was reasonable and did not cause problems. Later opening could be mitigated with limited occasional use.
- c. Serving of alcohol could lead to greater noise and smoking in the premises' garden. This would be concerning even at 8pm as her young son's bedroom was only 6 metres away and would have the window open in summer. There was also a young child two doors down. She would like consumption of alcohol to be kept inside the main building.

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- d. She acknowledged that The Larder ran a supper club about once a month but that was inside largely.
 - e. She was supportive of this local business, but concerned about setting a precedent if the application was granted and would prefer that alcohol was not allowed in the garden and that the garden was not used after 5pm.
 - f. The ambient level of noise in the summer was described as remarkably quiet and that few of the residences had a back garden.
5. The Chair suggested a brief adjournment to allow mediation between the parties.
 6. The hearing resumed after a 30 minute adjournment. Ellie Green (Principal Licensing Officer) advised that the parties were grateful for the opportunity for discussion, and that applicant wished to amend the application as follows: general daily use 11:00 to 20:30, with alcohol on sales to 20:00; and 12 events per year at the originally applied for times. An additional condition had been offered that alcohol would be served in the garden only when accompanied by a table meal.
 7. The summary statement of Ellie Green (Principal Licensing Officer) that having heard all the representations it was for the Licensing Sub Committee to consider if the application was appropriate and in promotion of the licensing objectives. The steps were set out in para 7 of the officers' report, together with further guidance and policies in para 5.
 8. The summary statement of IP2 that she was grateful for the steps agreed to limit the events and the additional condition, but remained concerned about late use of the garden area, which would have the most significant impact, even to 20:30. There was potential for noise and smoke and she would prefer a closing time of 19:00, or that smokers be directed outside to the front of the premises rather than the rear. The concerns on behalf of the residents were also about precedent and mitigation for the long term future. The comments of the Legal Officer were also noted that smoking was not a licensable activity and could not be controlled by the premises licence.
 9. The summary statement on behalf of the applicant that residents' concerns were appreciated and that it was acknowledged that if the use of the licence proved problematic there would be an opportunity to request a review of the licence, or variation to reduce hours or amend conditions.

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

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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:

“We have carefully considered all the information supplied both before and during this hearing. We are aware because we allowed an adjournment for the parties to negotiate their differences, that there was a possibility of some agreement. We were happy to see that the parties’ positions had drawn nearer even if in the end they were unable to resolve their differences completely. We believe the changes to the operating schedule and additional conditions offered by the applicant today are fair and reasonable. We appreciate the Interested Parties might feel they could have been tighter, however if the additional hours granted prove to be a problem for local residents they are able to call in the licence under the review procedure.”

3. The Licensing Sub-Committee resolved that the application be granted in full as amended as follows:

- (i) Licensing Hours and Activities:

Activity	Final Times determined by LSC	
Opening hours	07:30 – 20:30 daily	
Supply of alcohol (on supply)	11:00 – 20:00 daily	Non standard timings For 12 times a year the sale of alcohol will be permitted to 22:00

Conditions (in accordance with Annex 5):

- (i) Conditions 1 to 15, which are not disputed

- (ii) **AND**

16. Alcohol shall not be supplied in the garden area otherwise than to persons consuming table meals.

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17. The licence shall only be used for the non standard times for a maximum 12 events per year.

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**LAND, BRAMLEY SPORTS GROUND, CHASE SIDE, LONDON N14 4QB
(REPORT NO. 119)**

RECEIVED the application made by Councillor Edward Smith for a review of the Premises Licence (LN/201801062) held by Fancy Fair Markets Limited at the premises situated at Bramley Sports Ground, Chase Side, London N14 4AB.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for review of the premises licence at the land known as Bramley Road Sports Ground. The premises licence was held by Fancy Fair Markets Limited.
 - b. The new premises licence was applied for in March 2019 this year and had received 151 representations, from local residents against the grant of the application. The application had been granted by the Licensing Sub-Committee, with reduced hours sought and additional conditions, as set out in Annex 2 of the report.
 - c. The new premises licence was for a four day family event, including alcohol and regulated entertainment, to take place yearly Friday to Monday on the second bank holiday in May, with opening hours 10:00 to 21:00 and sales of alcohol to end half an hour before closing.
 - d. This review application was made by Councillor Edward Smith, Cockfosters Ward Councillor, on behalf of and in consultation with local residents. The review was sought on all four licensing objectives, and the application was set out in Annex 3 of the report.
 - e. The licence holder had responded to the review application as set out in Annex 4 of the report.
 - f. All the responsible authorities had been consulted and no representations had been made in response to the application.
 - g. The Chair of SAG had not submitted a representation, but provided comments as set out in para 3.5 of the report.
 - h. There had been no other representation in support or against the application, but it was understood the review was brought in consultation with local residents and sought revocation of the licence in its entirety.
 - i. It was for the Licensing Sub-Committee to consider whether the review application supported the four licensing objectives.
2. The statement of Councillor Edward Smith, Cockfosters Ward Councillor, including:

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- a. There were a large number of objections at the time of the premises licence application, and he was representing the objectors as there was a considerable degree of concern still about what happened at the event.
- b. He attended a debriefing meeting with local residents after the event which went through the problems that had arisen and concluded that a submission would be put forward to review and seek revocation of this licence.
- c. There was very thorough evidence from the residents and he agreed with their comments and that there were issues of major concern.
- d. The comments from the premises licence holders were not helpful in their tone, and he took exception having been a councillor for over 20 years.
- e. This event was not similar to the Winchmore Hill Fancy Fair event which was non profit making and frequented by local people as opposed to this commercial festival which attracted people from far and wide, many of them coming by car.
- f. The Bramley Sports Ground was unsuitable as the location for this event and had more people turned up there would have been more problems.
- g. The most important objection was the level of noise created, from the PA system and the music. There had been lack of clarity around the noise levels. One of the residents took measurements himself and the figures were included in the review application. Noise levels were exceeded on all days and all times. The Council had also found levels too high. This showed poor noise management.
- h. The next major concern was traffic management. No car parking provision had been provided in the end. There had been no parking at Oak Hill College: there were not 1000 spaces arranged as had been stated at the Licensing Sub-Committee hearing in April. This meant that attendees had to park in adjacent roads and there was a complex traffic management plan whereby residents had to use a password to access their own road which led to several heated discussions between marshals and residents. The traffic management staff did not perform well, but the ultimate responsibility lay with Fancy Fair Markets Limited.
- i. A further issue was the damage to Saracens' sports ground. There had been concern regarding lack of liaison and the damage thereafter. The process had not been managed properly.
- j. There had been issues with compliance with conditions, including lack of car parking provision, working outside of agreed hours, music beginning early each day, high levels of noise, and with notices provided in respect of times the fair would be open. As there were so few attendees the operators left earlier than the specified times.
- k. It was considered that this event causes a great deal of disruption, not just during the festival days but it required several days to put in place and to take down afterwards. There was well over a week of disruption when the sports ground was not available for recreation to residents. At the start of the summer local people had found the park they loved to

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use was not available and when they tried to walk through it they found unexpected obstacles to their access.

- l. He expected the financial returns to the Council from this event in 2019 to have been meagre.
 - m. Several residents were also present at the meeting to support the comments made.
 - n. Clarification was given to the Chair that the debriefing event was organised by residents, for invitees only, and having collaborated to object to the original application had made one submission for review of the licence on behalf of all the neighbours rather than sending individual representations. Officers' advice had also been to do this.
 - o. People living in Bollingbroke Park had no idea about the event until the gear arrived, and if they had been aware previously there would have been more letters of objection. Also, residents had not connected recent signs displayed at the site to being able to object to the Fancy Fair event. Officers confirmed that there were official notices prepared in accordance with regulations and titled 'review'.
3. The statement of Mr Adrian Webb, event organiser, including:
- a. The residents seemed to be acting in opposition against the event organisers, and had not extended an invitation to the debriefing meeting to give them the opportunity to enter into a conversation. At other events it was usual to meet with the residents.
 - b. The Cockfosters Fancy Fair event was a larger version of the event at Winchmore Hill in the size of the plot, but it was the same sort of event, and was a community event. Over 3000 attended this year (40% were children) and it was a lovely day out.
 - c. There had not been problems on event days. Emergency response had been required for two people attending, but that had been nothing to do with the event itself. There had been no alcohol abuse or fighting. This was a community event and the numbers of children and families were as expected, with lots of people walking to the event.
 - d. It was unfair to suggest he was an unsuitable operator: he had a 30 year clean record in licensing and arranging events. He considered the performance to have been good. It was the first time this site was used and the company had learned a lot and had a debriefing with SAG with a proper round table discussion with all services in attendance. The minutes had been provided.
 - e. The security company contracted had not been up to Fancy Fair required standards, and they would not be working with that company again. There would be a new contractor going forward at all their events. The St John Ambulance provision had also been disappointing as they were also covering another festival as well and had not given them the support they needed. In future there would be a paramedic team under contract.
 - f. In respect of noise levels, over the three days Council officers and their own health and safety advisor trained in taking noise readings took

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measurements. Noise levels were kept to as set by the Council and the professional employed beforehand to advise on the stage position. None of the stage PA systems were started before 10:00am. There would only have been turning on and off of amplifiers before then.

- g. It was considered the traffic management had worked very well. It had not helped that there were a few difficult residents who did not wish to be stopped, but the traffic orders were properly in place. There was no congestion. If residents used the password or letter they were waved straight in. He would not want to extend to shutting down more roads, and it was also agreed with SAG that nothing more was needed.
- h. In respect of car parking, this was organised with Oak Hill College as previously advised, but was cancelled at the last minute, and he felt that this was following pressure from residents. There had been several site meetings, and an email agreeing terms, and he was sorry it did not happen.
- i. There had been no damage to the rugby ground. People involved with the festival were total professionals. Walking the ground, having handed it back to the Council who manage it for the trustees, it was commented that the ground was in a better state than before. Three tons of rubbish were taken away, with three people clearing each day of the event.
- j. He acknowledged that some residents did not want this event locally, but he considered there had been little disruption to residents. He would ask that the premises licence be allowed to continue in its present form. For the 2020 event he would start work in the New Year with his professional team and the SAG and comply fully with the licence.

4. Questions were responded to, including:

- a. In response to Councillor Dey's queries regarding noise levels, Mr Webb advised that he used professional equipment, calibrated correctly and operated by professional people to take readings. The residents had some other device that was not calibrated or operated professionally. A noise survey was done by a professional company who set the levels at the check. SAG members and Council officers were on site during the three days of the event. On three occasions residents made phone calls in respect of noise: the contact system worked and a visit was made to listen and take readings. The set levels were not exceeded.
- b. In response to residents' queries that paperwork in respect of the car parking agreement had not been mentioned before, Mr Webb advised that he gave an undertaking that the car parking was being arranged. Any contract would not have been disclosed publicly though a copy was sent to Council officers, and he had confirmed this contract had been arranged.

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- c. Mr Webb refuted the residents' assertions that matting had not been put down when trucks drove onto the ground or that Saracens had claimed money in respect of damage to the sports ground.
 - d. In response to residents' queries that all traffic measures should have been taken away immediately after the event, it was clarified that everything was removed the next day and that Mr Webb picked up two signs that were left behind and missed by the company.
 - e. Mr Webb did not agree that there had been dismantling and moving of the funfair after 21:00 and up to 00:00.
5. The summary statement of Ellie Green, Principal Licensing Officer, that having heard all the representations it was for the Licensing Sub Committee to consider whether the review application was appropriate and in support of the licensing objectives. The potential steps the Sub Committee may be minded to take were set out in the officers' covering report, along with relevant guidance and policies to assist.
 6. The summary statement of Councillor Edward Smith, Cockfosters Ward Councillor, including that irrespective of readings taken by residents, the Council's noise consultant did take regular measurements of noise levels as set out in Appendix 2 to the SAG minutes and the levels set in the licence were exceeded at regular intervals at every day at every receptor point. He also noted that Mr Webb had a history at this event of falling out with people: getting rid of the traffic management contractors, failing in an agreement with Oak Hill College, and not having proper liaison with Saracens. Residents had severe concerns that the issues would reoccur next year, particularly if a larger number of people were to attend.
 7. The summary statement of Mr Adrian Webb, event organiser, including that the residents had been unduly negative about this family event. The conditions of the licence had been complied with, and the SAG team were involved on the day and did not have concerns. At the post event meeting there had not been a single comment in respect of the event not going forward and no recommendations to change or review anything, and he would like the premises licence to continue in its current form.

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 Chairman made the following statement:

“Having read all the papers supplied and listened carefully to all the oral representations made today, the Licensing Sub Committee could not find any evidence that the four licensing objectives are undermined by the licence granted to Fancy Fair.

It is clear that the residents who have appeared today do not want this event to continue in future years. However it is clear from the lack of support by responsible authorities for this application there is no evidence to support it.”

3. The Licensing Sub-Committee resolved that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:
- (e) No changes to be made.