

**LICENSING SUB-COMMITTEE – 17 NOVEMBER 2010**

Application was made by **TRADING STANDARDS SERVICE** for a review of the Premises Licence held by **MS SUSAN RITCHIE** at the premises known as and situated at **THE QUEEN'S HEAD, 41 – 43 STATION ROAD, WINCHMORE HILL N21.**

The Licensing Sub-Committee **RESOLVED** that it considered the step below to be necessary for the promotion of the licensing objectives :

**(a) to modify the conditions of the licence.**

**Reasons:**

The Chairman made the following statement :

"We have listened carefully to the oral evidence presented by all parties this morning, in addition to the written evidence submitted before the hearing, which was also fully considered.

In arriving at our decision, the Sub-Committee has listened to the Interested Parties, paying regard to Paragraph 8.4 of Enfield's Licensing Policy Statement, whereby stricter conditions may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided.

The Sub-Committee is satisfied that on Trading Standards' application for review it is necessary to take the actions that are detailed below to promote the prevention of public nuisance. However we have also heard from the Premises Licence Holder regarding a Noise Management Plan which is proposed, and which is being developed with a view to addressing the issues of noise reported by Trading Standards and the Interested Parties.

We are satisfied with the conditions requested by Trading Standards with the exceptions of Conditions 4 and 6, to which the Premises Licence Holder objected. However we were not persuaded by the alternative presented on the day by the Licence Holder's representative, because it does not provide for the promotion of the licensing objectives, given the lack of mechanisms for its approval.

In respect of Condition 4, we have made the following amendments:

Line 2 – to read "... a maximum of 10 smokers ..."

Line 6 – replace "this time" with "21:00".

The condition allows the Premises Licence Holder to manage the outdoor area, and specifically designates for smokers, in such a way that the maximum of 10 smokers is proportionate and fair in respect of the licensing objective under consideration. The requirements in Condition 4 provide a means for preventing unacceptable levels of noise and are necessary for the promotion of the prevention of public nuisance.

Concerns were expressed by the Premises Licence Holder in terms of any cordoning off of the area posing a barrier to fire exits. We note from point 2.5 of the report of the Principal Licensing Officer that each of the Responsible Authorities, which includes the Fire Authority, were consulted as a result of the review being made. No representations were received from that Authority.

The Sub-Committee suggest recommendations in any Noise Management Plan be served upon the Licensing Authority and Trading Standards Service and discussed, such as to mitigate any nuisance and issues from the garden after 21:00. We fully welcome and recognise the Licence Holder's intention to produce and implement this Noise Management Plan, and further suggest that it is always open to the Licence Holder to make a variation to the licence in due course once the detail of that plan becomes more explicit.

Our deliberation then moved to the issues raised by the representative of the Premises Licence Holder in respect of proposed Condition 6. Our decision has been to strike that condition from the licence and insert the essence of Condition 6 in a revised Condition 9.

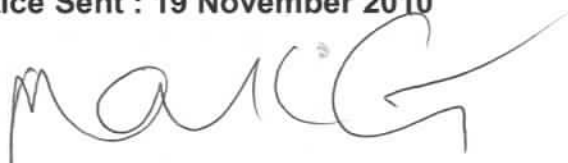
We accept the view put by the Premises Licence Holder that Condition 6 as drafted was somewhat vague, and presents difficulties of enforcement, which was the extent of the Premises Licence Holder's objections.

We therefore determine that Condition 9 should read as follows: "Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents by (a) not congregating around the front of the premises at any time; and (b) leaving the premises and area quietly."

This new condition is deemed necessary to promote the licensing objective, bearing in mind that the Premises Licence Holder had accepted the proposed Condition 9, and it is considered that the re-wording is proportionate and balanced."

**Date Notice Sent : 19 November 2010**

Signed :



**Principal Licensing Officer**

### **APPEAL**

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,  
The Court House, Lordship Lane, Tottenham, London, N17 6RT.  
Tel: 020 8808 5411 or Fax: 020 8885 4343