

LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Name and address of premises: The Bird in Hand Public House
100 Tottenham Road
London
N13 6DG

Type of Application: Variation of a Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This is a variation application to remove the following condition from the licence:

3. The use of the rear beer garden shall be limited from the permitted opening hours to 23.00 on Monday to Saturday and from permitted opening hours to 22.30 on Sunday. After these times, this area may only be used as the designated smoking area, with a maximum of 10 people at any one time. No alcohol or glassware shall be taken into this area after these times.

In its place the applicant has offered the following:

The use of the garden shall be permitted until the end of the permitted hours for the sale of alcohol. From 22:00 hours until 00:00 Sunday to Thursday and until 01:00 on Friday and Saturdays a member of staff shall at all times be present in the beer garden to monitor noise levels and to ensure residents are not disturbed.

Location

This premises is on the junction of Tottenham Road and Wolves Lane. There are a couple of shops next to the premises but this is a predominately residential area.

The Licensing Authority is concerned that residents could be disturbed by noise from those using the outside areas during the early hours of the morning when ambient noise levels are reduced.

History Since 2018:

03/04/18 – Complaint received in relation to alleged dust and smoke coming from a food stand outside the premises from 11:30am to 10:00pm.

25/05/18 – Officer visited area, no fumes/activity witnessed. No answer at complainant's property.

15/07/18 – 03:25 – Complaint alleging loud music coming from the premises, preventing sleep.

15/07/18 - 22:05 – Complaint in relation to alleged high volume of noise until 4am on Sunday 15 July 2018. Prevented local residents from sleeping.

31/07/18 – An officer (CPX) visited the premises for a pre-arranged meeting following the complaints. A Temporary Event Notice (TEN) was in place until 03:30. Checked CCTV – 01:41 - People dancing inside premises but one other half of pub closed with chair on tables. 02:49 - still dancing, 02:57 people starting to leave, DJ finished. One door supervisor seen - DPS confirmed only one working. 03:01 DJ packing up, staff cleaning bar, stacking chairs. Security appears to leave at 03:03 - seen in a change of clothes and looks like saying goodbye to staff. DPS later claimed he had not left. 03:04 group of people standing outside the premises play fighting, doing press ups on the ground, jumping around, playing with balloons - no sound on CCTV but likely that their voices would carry and affect residents at this time in the morning. 03:10 3 people outside talking, staff appear to be getting ready to leave. 03:11 3 people left premises, 5 people seen play fighting outside, kicks. 03:27 - all staff appear to have left. Two shadows can be seen outside. 03:29 last people appear to have left, not seen on screen. Advised that further noise complaints could result in TENs being objected to in future. Loud music can result in noise abatement notice being served. Recommend staff speak to customers as they leave asking them to do so quietly and not to loiter around outside. Staff to stay until all customers have left the area. Although a TEN was in place and therefore overrides conditions of the licence the officer pointed out conditions 15 to them and recommended it be complied with during TENs too. They did not seem familiar with the condition which requires a door supervisor to remain until all customers have left. Discussed conditions with the DPS and his son.

12/10/18 – Out of Hours Licensing Enforcement Officers (EVG/CPX) visited premises to check condition 15 and condition 16 regarding door supervisors. One SIA door supervisor observed on side (but main) door in blue jacket and SIA badge. Second door supervisor situated inside, plain clothes, not wearing badge or hi-vis, and is son of DPS. He advised his badge has been misplaced and had applied for a replacement. Met with one of the Directors of the company (LH) and discussed. Re-iterated condition requirement. Director advised she may apply to vary condition, advised to speak to Police Licensing Officer first.

22/10/18 - Phone call from concerned resident saying they have heard that the premises will be providing shisha pipes and that they are concerned about smoke nuisance. As not yet happening unable to witness. Complainant advised they have not built anything new. Advised shisha does not require a licence but all smoking must be in an area less than 50 % enclosed. Advised if they start and it's a problem to call again.

25/10/18 – Anonymous complaint alleging that the premises sells alcohol to those under 18 years. Also drug distribution allegation.

22/11/18 – Complaint made during the day alleging noise from music and people using rear garden is affecting residents. Works on going in garden. Issue for last 2-3 weeks. Complainant also alleges that there are more than 10 people outside after the permitted hours. An officer (CPX) phoned the Manager (LH) who said they are having

work done in the garden – she advised they are only replacing what is already there, smoking area will not be more than 50% enclosed. Advised they have applied for planning permission. Have been doing the work for about 2 years and nearly finished. Work is done until 4pm when it has to stop as it is dark. They ensure no more than 10 people are outside after hours as stated on licence and that drinks are not taken outside. When asked she said it is not becoming a shisha garden. The Manager said the garden has not been used much as its been too cold and too wet. She said it should be finished before Christmas.

14/12/18 – 23:50 Out of Hours Licensing Enforcement Officers (EVG/VPK) entered premises and spoke to Manager (LH). One SIA door supervisor on door, and one inside wearing SIA badge around neck, but less obviously a doorman. Busy night due to a work Christmas party, good atmosphere, although music was extremely loud when officers got out of car (on Wolves Lane, past mini roundabout towards North Circular). On entry and thereafter music was not an issue. Advised Manager of complaint and she showed officer sound checks and spot where another officer (CPX) had advised to carry out noise checks. Advised to keep stricter control. The doors to rear garden were locked.

30/06/19 - 00:42 - Complaint regarding noise. 01:12 – Further complaint regarding noise from beer garden. The complainants alleged that they are disturbed by loud music, fights and also people noise coming from the garden area every Friday and Saturday night. Noise Officers visited the premises at approximately 01:26. They could hear loud cheering and shouting coming from the garden area. The officer went to speak to the door supervisors but by the time they had parked the door supervisors had gone inside. The Officers looked inside and could see a fight taking place so did not enter. A few minutes later the premises lights came on and people started to leave.

25/07/19 - Email sent to premises in relation to issues on 30th June. Reply from premises received the same day confirming a fight took place amongst two friends that evening as people were leaving and security took control of the situation straight away.

18/10/19 – The Manager (LH) of the premises contacted the Licensing Team as they were concerned that they had received lots of complaints about loud music that night but that it was coming from another nearby property. The Manager wanted to make the team aware of this in case complaints were made to the council blaming them.

22/10/19 – Complaint received alleging that a fire door was locked whilst the premises was open and that when the complaint brought this to the attention of a manager they started swearing at them, manhandled them out of the premises and took their phone and deleted a photo they had taken of the one of the managers.

23/10/19 – Senior Licensing Enforcement Officer (CPX) and Police Licensing Officer (KS) visited the premises to carry out a full licence inspection. There were unable to check the CCTV as only one member of staff was working at the time. Toilet checks went up to 2pm on 21.10.19 – reminded to keep them up to date. All other conditions were compliant. The Officers checked the garden area. There were 18 benches, 13 which could seat 6-8 people and 5 that could seat 4 people. There were 2 three-seater sofas with additional seats in front of the them, 4 small round tables to seat 2 people and a pile of what looked like 4 more benches which could seat 4. There was easily enough seating for over 100 people and room for another 100 to stand. **See Appendix 1 for photos.** The garden area is not shown on the plan attached to the licence so no licensable activities can take place out there (consumption of alcohol is not a licensable activity). The premises licence is already for both on and off sales. Given the size of

the garden, the potential number of people that could use it and the fact that there are exit doors that leads from the garden directly on to Wolves Road the Officers wondered whether the plan should be amended to show the garden and these additional exits from the premises. A query has been sent to the Fire Brigade to see if they are considered exits from the premises or not and whether there should be a capacity limit on the number of people who can use the garden area.

The Licensing Authority makes representation regarding the following Licensing Objectives:

- **Prevention of Public Nuisance**

Given the close proximity to residential premises the Licensing Authority objects to the removal and replacement of the condition restricting the use of the garden area. The Licensing Authority believes that the current condition is still required.

However, If the Licensing Committee is minded to grant the application in full or part, the Licensing Authority recommends a capacity limit be included in the conditions and that the following conditions also be added to the licence:

- The garden shall not be used for regulated entertainment at any time.
- An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons
 - (c) any complaints received
 - (d) any incidents of disorder
 - (e) any faults in the CCTV system
 - (f) any visit by a relevant authority or emergency service
- The whole of the garden area shall be covered by CCTV.
- On Friday and Saturday at least one door supervisor shall be positioned in the garden area from 22:00 until the garden closes. The duties of this door supervisor shall include the supervision of persons using the area to ensure that use of the area does not cause a nuisance to local residents, to ensure the capacity limit is not exceeded and to ensure the doors leading to the garden from the building are not left in the open position during regulated entertainment.

If these additional conditions were accepted in full I WOULD NOT withdraw my representation.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 23/10/19