

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 27 NOVEMBER 2019**

COUNCILLORS

PRESENT (Chair) Chris Bond, Sinan Boztas and Jim Steven

ABSENT

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

Also Attending: (Item 3)
2 representatives on behalf of The Queens Head (applicant)
5 x Interested Parties
Councillor Maria Alexandrou, Winchmore Hill Ward Councillor
(Item 4)
2 representatives on behalf of The Bird in Hand (applicant)

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WELCOME AND APOLOGIES FOR ABSENCE

Councillor Bond (Chair) welcomed all those present and accepted an immediate request for the start of the meeting to be postponed to permit a request for time for the parties to liaise in respect of the first application on the agenda.

The meeting re-started at 10:36am.

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DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

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**QUEENS HEAD, 41 - 43 STATION ROAD, WINCHMORE HILL, LONDON,
N21 3NB**

NOTED

1. The statement by the solicitor for Bermondsey Pub Company Limited (the applicant) that he had instructions to withdraw the application. The pub valued its neighbours and would rather involve them in further discussions and continue operating as it had been, with occasional use of Temporary Event Notices (TENs).

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2. Clarification that the pub may apply for 15 TENs per year, for up to 21 days in total.
3. There was no requirement for the Licensing Sub-Committee to make a decision as the application was withdrawn by the applicant.

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THE BIRD IN HAND PUBLIC HOUSE, 100 TOTTENHALL ROAD, LONDON, N13 6DG

RECEIVED the application made by B Lads Limited for the premises situated at The Bird in Hand, 100 Tottenham Road, London, N13 6DG for a Variation of Premises Licence (LN/201500059).

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a variation of the premises licence of The Bird in Hand pub.
 - b. This was a large old pub with a large beer garden. There were a couple of shops next to the premises, but this was a predominantly residential area.
 - c. The application sought to remove Condition 3 from the licence and add an additional condition to allow use of the beer garden until the end of the permitted hours for the sale of alcohol. Apologies were given that para 2.2 of the officer's report set out incorrect times.
 - d. The suggested replacement Condition 3a sought by the applicant was set out in Annex 7 of the report. The second part of the condition referred to a member of staff being present and confused suggested Condition 21. It was therefore recommended that Condition 21 should apply as it stood and that the second sentence of Condition 3a be removed.
 - e. All conditions offered by the applicant or sought by the Licensing Authority would only apply if the extended hours were granted. The remaining licensable activities would remain the same.
 - f. All responsible authorities were consulted, but the only objection came from the Licensing Authority: this representation was set out from page 61 of the agenda pack.
 - g. There had been an officer visit and a recommendation that the plan attached to the licence be modified to show the garden area and all exits from it. This new plan had now been submitted and agreed.
 - h. The Licensing Authority did not agree to the variation application and would be represented at the hearing by Charlotte Palmer, Senior Licensing Enforcement Officer.
 - i. Two other representations were received: from Councillor Achilleas Georgiou (Bowes Ward Councillor) and from one more local resident who lived in Wolves Lane. These were referred to as IP1 and IP2 and

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the representations were set out on page 71 and page 73 of the agenda pack. The representations were based on the licensing objectives of prevention of public nuisance, prevention of crime and disorder, and public safety. Interested parties were not present at the hearing.

- j. The applicant had provided additional supporting information as set out in Annex 6 of the report. The applicant had copied the Principal Licensing Officer into all email exchanges with London Fire Brigade and the risk assessment work, and all issues were addressed promptly. The applicant Lale Hassan, Premises Licence Holder, was present on behalf of B Lads Limited, along with Mehmet Ali Arslan, Designated Premises Supervisor.

2. The statement of Lale Hassan, the applicant, including:

- a. The application was in respect of the beer garden. At the moment it was allowed to be used up to 23:00. After that, smokers were allowed to go out no more than 10 people at a time and were not allowed to take alcohol outside.
- b. The issue of concern was that people did not want to leave their drinks unattended while they went out for a cigarette.
- c. It was therefore sought that smokers be able to take alcohol outside until last orders, Sunday to Thursday 00:00 midnight, Friday and Saturday 01:00.
- d. At the moment, smokers could go outside to the front of the pub and, although there was door security, if customers walked off there was no control. Also nothing could be done to control people passing in the street, stopping to talk and leading to noise and a bigger group of people standing outside. If the beer garden was used, there would be more control and noise could be kept to a quiet level.
- e. When she took over the pub, it had been filled with those using and dealing drugs, but she had put things right and now attracted men, women, couples and children and their parents. At first there had been a lot of complaints as it was not a nice pub. Now complaints were minimal. Neighbours had a mobile number and the pub number to get in contact to let them know any issues so they could be dealt with straight away.
- f. Customers were still nervous about leaving drinks on the side while they went outside to smoke in case the drinks were spiked or confused and drunk by someone else.
- g. The Licensing Authority wanted a limit on the number of people in the garden, but it was a large space which was two to three times larger than the inside of the pub and user numbers were not an issue. The garden had also been improved and a lot of money spent on it.
- h. Any complaints received by the pub had been about people outside at the front, not in the beer garden. Door supervisors could only control the area immediately outside at the front: as it was public highway there was nothing they could do if customers walked away.

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- i. A petition in support of the application had been organised signed by over 50 neighbours. Seven immediate neighbours had written in support, and they did not have an issue with people in the beer garden for extended hours, as they were already there.
 - j. The venue was very strict about barring customers. If anyone raised a hand in aggression or had a loud argument they were barred permanently. Anyone who caused trouble would never be allowed back in.
 - k. The changes in the pub had attracted new customers, including local people who had never been in to the pub previously. The pub had been featured on television's Sunday Brunch when there had been a kebab house within the pub. The pub was looking for a new chef to match what was previously offered.
 - l. There had been discussions with Licensing Authority officers when making this application.
 - m. A complaint in respect of noise had been proved to have been due to music from a neighbouring house and not from the pub.
 - n. It would be better if all customers were kept to the rear garden where noise levels and behaviour could be controlled.
3. Questions were responded to, including:
- a. In response to queries from the Chair, it was confirmed that smokers were allowed to take drinks in glasses outside the front of the pub. The applicant would be prepared to serve drinks in plastic containers for the rear garden if that would help the application. It was confirmed that the beer garden was in use all the time from morning to closing time, and that children were allowed on the premises with their parents up to 21:00.
4. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including:
- a. The Licensing Authority representation in respect of the variation application was based on prevention of public nuisance and public safety.
 - b. Since the changes to the exit doors, there was no longer a concern regarding public safety, but it was still thought there should be a limit on numbers using the garden after 23:00 Monday to Saturday and 22:30 on Sunday.
 - c. The premises was in a predominantly residential area. Neighbouring residents could be disturbed by noise from unlimited numbers using the garden at times when the ambient noise levels were low at night.
 - d. The beer garden was large and could easily hold 100 people seated plus 100 people standing, as shown in the photographs on pages 67 – 69 of the agenda pack. The pictures also illustrated how close the garden was to residential properties.

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- e. The use of door supervisors to monitor the garden area was welcomed, and that the plan on the licence now included the garden.
 - f. There was a concern that residents could be affected by music and there should be a condition that the garden should not be used for regulated entertainment at any time, and that the whole of the garden should be covered by CCTV. These suggested conditions, numbered 22 and 23 had been agreed by the applicant today.
 - g. It was still considered that without restricting the number of people, use of the garden could be detrimental to local residents. Having heard the submissions from the applicant, the Licensing Authority understood the feeling it would be easier to control smokers in the garden and accepted that customers may be reluctant to leave drinks unattended. The Sub Committee may want to consider a compromise by lifting the numbers for example to 20 or 30 people at one time, and to remove the part that drinks may not be taken outside. However, door supervisors may find it harder to get people to go back inside in that case.
 - h. Another proposed condition agreed with the applicant was that when employed to work at the premises door supervisors shall instruct all customers who wish to smoke to do so in the garden area and not to smoke outside the front of the premises or to take open drinks outside the front of the premises. It would be better to have all smokers controlled in the rear garden, but the Licensing Authority still felt there should be control over numbers.
5. Questions were responded to, including:
- a. In response to queries from the Chair, it was confirmed that additional Conditions 22 and 23 were agreed and already in place, and that door supervisors were already employed at the pub. It was preferred that only smokers went out to the garden after the set times. There was no restriction on the number of people going outside to smoke at the front, and that area was swept every night and morning.
 - b. In response to Councillor Steven's queries, it was confirmed there were two exit doors to the garden, and then a lean-to with tables, then a ramp to a higher, uncovered part of the garden. The higher part got used much less in winter, and smokers usually stayed in the lower part in poorer weather.
6. 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 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. The updated proposed conditions had been circulated to all parties.
7. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer, including that, given the close proximity of the

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premises to local residents, the Licensing Authority still objected to the application and believed that the current conditions were still appropriate.

8. The summary statement of Lale Hassan, the applicant, including:
 - a. She would not want a restriction on the numbers in the garden, but if the sub committee felt that one door supervisor was not enough and that two were needed she would be happy to arrange that.
 - b. There were no restrictions on numbers in the garden until 23:00 and there had been no complaints.
 - c. They were responsible landlords and had a good relationship with neighbouring residents: neighbours were also their customers.
 - d. Some people wanted to take drinks outside and that should be permitted as the pub could control the noise levels.
 - e. It was acknowledged that the licence could be reviewed if there were complaints, but the pub did not want to cause nuisance to neighbours, and wanted to maintain a good relationship with them.

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:

“The Licensing Sub-Committee (LSC) read and listened to all the representations of the parties and decided to grant the application in part because it was not persuaded that an increase in the hours proposed by the applicant’s application for a variation would promote the licensing objective preventing public nuisance.

The LSC noted that the representations made reference to noise nuisance and while a lot of the applicant’s neighbours support the application there are a few who have made complaints about noise nuisance in the past. The LSC therefore resolved that the hours remain as they are and impose additional conditions below.”

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

Conditions (in accordance with Conditions in LSC Report – Annex 7):

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(i) Conditions 1 to 2, and 4 – 19 which are not disputed,

(ii) **AND Conditions 3C, and 20 – 23.**

- 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 30 people at one time who may bring their drinks outside with them only while smoking.
- The garden shall not be used for regulated entertainment at any time.
- The whole of the garden area shall be covered by CCTV.
- When employed to work at the premises door supervisors shall instruct all customers who wish to smoke to do so in the garden area and not to smoke outside the front of the premises or to take open drinks outside the front of the premises.

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MINUTES OF PREVIOUS MEETINGS

RECEIVED the minutes of the meetings held on Wednesday 16 October 2019 and Wednesday 6 November 2019.

AGREED the minutes of the meetings held on Wednesday 16 October 2019 and Wednesday 6 November 2019 as a correct record.