

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 6 OCTOBER 2021**

COUNCILLORS

PRESENT Doug Taylor (Chair), Maria Alexandrou and Sinan Boztas.

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Dina Boodhun (Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

Also Attending: Mark Walsh and Eimear Walsh, Celtic Cross Ltd (Applicant)
George Domleo, Flint Bishop Solicitors, on behalf of the applicant
Interested Parties (referred to as IP2) on behalf of local residents objecting.

1

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

Councillor Taylor as Chair welcomed all attendees to the meeting. Sub-committee members confirmed their presence. Officers, applicants and representative, and IP2 confirmed their presence. The Chair explained the order of the meeting.

2

DECLARATION OF INTERESTS

NOTED there were no declarations of interest in respect of the item on the agenda.

3

**THE WINCHMORE, PUBLIC HOUSE, 235 WINCHMORE HILL ROAD,
LONDON, N21 1QA**

RECEIVED the application made by the Licensing Authority for a review application (LN/201500123) at the premises known as The Winchmore Public House and situated at 235 Winchmore Hill Road, London, N21 1QA.

NOTED

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

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- a. The application was for a review of the premises licence for premises known as 'The Winchmore' situated at 235 Winchmore Hill Road, N21 1QA.
- b. The premises have held various premises licences over the years and has had a history of note as detailed from page 1 of the report.
- c. The current PLH is Celtic Cross Ltd and has been PLH since 3 June 2015. Mr Mark Walsh and Miss Eimear Walsh are the company directors. Mark Walsh was the DPS until recently and now it is Eimear Walsh.
- d. The review application has been submitted by the Licensing Authority and seeks to amend conditions and reduce licensable activities times in order to support the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm licensing objectives.
- e. This is in response to several reports that the PL has been unable to control the noise and dispersal of customers leaving the premises at closing time causing anti-social behaviour (ASB). Local residents have reported their concern and that this affecting them.
- f. The conditions sought have continued to be mediated upon between the Licensing Authority and the Premises Licence Holder (PLH) and the current position can be seen in Annex 8 which was circulated on Tuesday 5 October 2021.
- g. Those conditions not agreed require the Licensing Sub-Committee (LSC) to decide to:
 - Keep the original conditions or modify the conditions either as sought by the Licensing Authority, referred to as the 'B' conditions.
 - Or those conditions proposed by the Licensing Authority, which are referred to as the 'C' conditions in Annex 8.
 - Or a 'D' option, depending on mediation.
 - Or there may be a new condition the LSC may deem appropriate.
- h. The position of changes to licensable activities can be seen from page 57 of the report. The only times for licensable activities Not agreed between the Licensing Authority and PLH and therefore only the matters that need determining by the LSC are:
 - That the Licensing Authority seek the premises to be open from 9:00am – 11:30pm – Fri – Sat. The licensing hours currently allows the premises to be open to 12:30am.
 - The Licensing Authority seeks alcohol sales from 10:00am – 11:00pm – Fri – Sat (reduced hours). The licence currently allows alcohol sales from 10:00am – midnight.Effectively an hour reduction on both licensable activities.

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- i. The review no longer seeks to suspend the licence, as a minor variation application to amend the plan, has been submitted. The full review application can be seen in Annex 2 from page 19 of the report.
 - j. The review representations supporting the review application from the Police and 5 local residents who live on various surrounding streets are referred to as IP1 – IP5. Those representations can be seen from page 102 of the report. Additional representations were also received from local residents who opposed the review application and support the licence holder. These are detailed from page 121 of the report.
 - k. Present at the review hearing were Charlotte Palmer on behalf of the Licensing Enforcement Team, the PLH Mark and Eimear Walsh from Celtic Cross Ltd represented by George Domleo from Flint Bishop Law firm, representing the Police, Leon Christodoulou and Donna Wilcox and on behalf of the residents IP2.
2. The Statement from Charlotte Palmer on behalf of the Licensing Authority (Senior Licensing Enforcement Officer):
 - a. Following discussions with the PLH's and their representative the Licensing Authority were pleased to say that a number of conditions and amended licensable hours had already been agreed.
 - b. Charlotte Palmer went through each un-agreed amended condition and stated the reasons why the Licensing Authority believed the changes were appropriate. As detailed within the Supplemental Agenda (Annex 8) from page 3 of the report.
3. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:
 - a. The current opening times on the licence at present were:
 - 09:00am – 11:30pm – Sun – Thursday
 - 09:00am – 12:30pm – Fri - Sat
 - b. No changes had been made to the Sunday – Thursday hours. The Licensing Authority were proposing a change to 09:00am – 11:30pm Fri – Sat which is a one-hour reduction in opening hours from Friday to Saturday. The opening hours had not changed as part of the last variation.
 - c. The hours for Fri -Sat were granted at a variation in June 2016.
4. The Statement of Leon Christodoulou representing the Police:
 - a. The Police were alerted to the premises back in July 2021 when the Euro football incidents had happened. The premises were a hub of concern, as detailed in the report, as it was in a residential area. The key area of concern was the younger element of clientele attracted to the pub. Younger customers leaving the premises caused the main disruption outside the pub in Bury Road/Winchmore Hill Road junction.

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- b. The Police representation made were to support the Council for the nuisance and dis-order that they want to prevent from happening and to support residents within that area.
 - c. The reduction in hours of the licence would play a key part by customers leaving an hour earlier and consuming less alcohol.
 - d. The Police had worked with the premises and were present at the premises during a busy period and had witnessed the door supervisors not adhering to what they should have been doing. This was the observation of these groups through the provision of CCTV and not seeing security outside the premises at dispersal times. The Police team wanted to encourage the premises to ensure that security is more focussed on the safety and security of clientele attracted to the premises. This was why approved Security Industry Authority (SIA) had been referred to in that condition.
 - e. PC Donna Wilcox had attended the premises during the Euro Championships and first hand evidence of issues encountered at the premises during this time are detailed from page 102 of the report.
5. Leon Christodoulou and Donna Wilcox (Police Authority) responded to questions as follows:
 - a. Police had attended the premises on the 7 July 2021 (Euro Semi-Finals) and had spoken with the PLH. Prior to the meeting the police did a visit and checked the event and concerns were found around the staff at the premises at the time. They raised concerns to the PLH about the door staff who didn't appear to be switched on, not aware of glassware, out of control and not able to deal with patrons inside the tented area at the rear of the premises. One concern raised was the door staff visibility as the Police could not identify them from patrons and requested that in future door staff wear high visibility jackets and SIA badges.
 - b. PC Ewart had been the officer in attendance regarding the concerns raised and Leon Christodoulou and Donna Wilcox were not aware of conversations had, only through e-mail trails of discussions with the venue to try and put things right. This was an ongoing process and the Police wish to work with the premises to ensure this doesn't impact on the local community.
 - c. In response to Charlotte Palmer (Senior Licensing Enforcement Officer), the Police explained the benefits of employing door staff through the approved contractor scheme (ACS). Which is a Government backed regulatory scheme to ensure standards are maintained in the security industry through an independent assessment. However, it was suggested that for this type of premises the ACS isn't required and perhaps the premises to use reputable door staff companies.
6. The statement of IP2 on behalf of the local residents making representation, including:
 - a. IP2 live directly opposite the premises.

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- b. The premises used to be regarded as an asset to the local community and would like to see it return to that rather than the atmosphere it currently has.
- c. Since lockdown ended, a different group of clientele visit the premises who are very loud and get very drunk. The removal of the external marquee had bought some improvements, but problems remain.
- d. The report is an accurate representation of the representations we have made until the consultation closed.
- e. The following points were made to support the recommendations that have Not been agreed:
The 2 main issues not resolved –
 - Hours
 - Music VolumeThere was a clear link between the ASB and the characteristics of the clientele. The extended hours attracted younger clientele, not from the area, who were only interested in getting drunk. Entering the pub at 10:00pm. The pub had admitted to Police and neighbours that their staff find the new clientele hard to control.
- f. Reducing the hours when alcohol is on sale is the only solution to changing the type of clientele attracted to the premises.
- g. IP2 supported the addition of the noise limiter proposal to tackle the noise disturbance coming from the premises.
- h. Pre-existing conditions on the licence were not being observed by the premises staff. E-mails of this were sent from IP2 to the Licensing Authority on 19 September 2021.
- i. The presence of 1 licence holder on Friday and Saturday evenings is welcomed which should help address issues. Ensuring that staff also adhere to all the licence conditions throughout the rest of the week.
- j. No additional complaints had been submitted by residents due to the review being imminent.
- k. A fair conclusion would be to install a noise limiter and reduce the hours as per the Licensing Authority proposal, supported by the Police.

7. IP" responded to questions as follows:

- a. In response to Councillor Alexandrou's question about assurances given by PLH's on dealing with dispersal issues. IP2 clarified that engagement with PLH's had dropped unlike in initial years where there was more engagement with residents and issues were dealt with. Presently, the team of staff left to run the premises are unable to manage. Phone calls to premises are unanswered and text messages to the PLH's are occasionally answered and responded the next day.
- b. In response to Leon Christodoulou's question about safety concerns of clientele at dispersal time, IP2 clarified that much of the time clientele seemed quite drunk. Some standing outside

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the premises and some wandering across the road shouting at each other. Cars pulling up to pick up clientele and buses having to go around these cars with clientele running in front of buses. There are issues here.

8. The statement of George Domleo, Solicitor on behalf of the applicant, including:
- a. The Winchmore is a local community pub and will be.
 - b. Since 3 June 2021, Mark was appointed DPS at the time and now Eimear Walsh is the DPS and it is their livelihood.
 - c. Prior to Mr and Miss Walsh's involvement, the premises had a chequered past and had issues when it was the 'Willow'. But since they had come in, no enforcement action had been taken.
 - d. Page 2 of the report details the variation application to extend the licence hours which was granted in July 2016 for the Friday and Saturday hours and a further variation application in part was granted in March 2021.
 - e. Pages 131 – 135 (of the report) were referred to showing photos of the premises style and concept with an extensive food and drinks offering (food menu – page 141 of the report). A kid's class is held 2-3 times a week including Yoga classes. Salsa and Irish dancing are held once a week and the Edmonton Rotary Club meet at the premises once a week.
 - f. A review had now been called due to complaints received between 16/04/21 and 12/08/21 this year. The premises were permitted to re-open outdoor only, from the 12/04/21 and at this time the premises had a permitted marquee erected in the car park providing an extension of their customer external area.
 - g. The dates of complaints are attributable to other factors. Nightclubs were not permitted to open until the 19/07/21. Only 4 complaints had been made against the premises after the 19/07/21 and it is evident that the younger clientele that the premises were attracting at the time were the night club clientele and not the regular customers. Once nightclubs re-opened there was a reduction in complaints against the premises. The period of these complaints coincided with the Euro Championships which ran from 11/06/21 – 11/07/21 which was another factor leading to different clientele.
 - h. During a team's meeting with Charlotte Palmer to discuss the review on 03/09/21 it was acknowledged by Charlotte Palmer that complaints appeared to have ceased since the last review was submitted as detailed at page 50 of the report.
 - i. Additional staff training especially around dispersal issues has been carried out. There is also a more experienced manager in place.
 - j. There are only a few outstanding points between us and the Licensing Authority as detailed at pages 51 – 54 of the report or in Annex 8.

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- k. The current hours were granted by the LSC as part of the variation application in July 2016 and therefore the premises have been trading these hours since then.
 - l. The Licensing Authority, in this review, have not suggested that these hours for the sale of alcohol and closing times on a Friday & Saturday give any issues prior to this time period, prior to this review and the start of complaints.
 - m. The only modification to the existing conditions not agreed are the hours to the external area. The Licensing Authority are requesting 10:00pm and we are requesting for 11:00pm. Stopping serving drinks at 10:30pm and to all to leave by 11:00pm. Several new conditions have also been agreed. Conditions we have not agreed, we feel, are dis-proportionate to the concerns raised for this review and are not needed at this stage.
 - n. Things had now returned to normality after the past 18 months and the same for the Winchmore.
 - o. We ask the LSC to modify the premises licence in line with the points agreed between the Licensing Authority and the applicant and to accept our proposed conditions. Anything more would be dis-proportionate.
9. The applicants and representative responded to questions as follows:
- a. In response to the Chair's statement regarding a number of similar dispersal issues raised at the 10 March 2021 LSC hearing (Variation of Licence), the Legal representative clarified that if that was an issue then why wasn't a review called at that stage and enforcement action taken.
 - b. In response to Councillor Maria Alexandrou's questions about the precautions taken regarding noise and the risk assessments undertaken when anti-social behaviour was occurring, it was advised that the Environmental Health are the experts in the field of noise nuisance. To request a noise limiter, that would be for the Environmental Health Officer to request. The licence holders are aware of residents nearby and that they must control the music levels. The PLH's objection to the noise limiter was the calibration of the unit and who would be doing that. At this stage this was dis-proportionate given the current issues. The PLH's had already agreed to the reduction in music hours and that the dispersal policy was now a condition of the licence which should give comfort to residents. Noise checks would take place every hour by ear to ensure noise from the premises was not excessive and ensuring doors and windows remain shut. Records to be kept with date and times for 6 months. A live DJ would have to comply with all the licensing conditions. A live DJ was used in the licensable area, prior to lockdown, every Friday night mainly for older clientele.
 - c. In response to risk assessments and door staff and how that would be managed, it was advised that management would

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have a team meeting well ahead of a date and look at events coming up. To then risk assess these and whether door supervisors are needed and how many. Including whether to use plastic cups or if wrist bands are required. Police would be contacted if the premises had a risk assessed event to notify them. The premises were able to risk assess events as proven at New Year's eve events. It was not appropriate for the premises to employ door supervisors every Friday and Saturday night but to risk assess events for door staff would be appropriate. The premises did not experience any crime and disorder before.

- d. In response to IP2's comments that noise and disturbance was still occurring as recently as last week with that same clientele, not reported due to the hearing, it was advised that the change in clientele was due to lockdown and the Euro Championships. Clientele was now returning to its normal regular customer base. The premises are calm and quieter but there is always noise around dispersal time which is normal for a pub. PLH's on duty on Friday and Saturday nights would assist the dispersal as would the change in manager, re-trained staff and the agreed condition.
- e. Ellie Green (Principal Licensing Officer) provided further information regarding Environmental Health (EH) and the noise limiter. EH do not offer a service to calibrate licensed premises noise limiters. This was done by external noise experts. EH do assist by providing details of residents who have complained, access those residents and test noise levels there. Charlotte Palmer had considered the EH records to make this representation.

10. The summary statement from Ellie Green (Principal Licensing Officer), that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.

11. The summary statement from Charlotte Palmer (Senior Licensing Enforcement Officer) that representations objecting to reviews, do not carry out representations to those that have been affected. The PLH's have previously acknowledged that clientele has changed after lockdown and that they have been much more difficult to control, leading to increased noise disturbance.

The complaints did seem to cease but since the meeting there have been some further complaints and residents did stop reporting issues to the Licensing Authority.

At the last variation hearing, the PLH were given the opportunity to prove that they can keep customers outside longer and music longer without leading to noise complaints. Unfortunately, the extra hour has led to increased complaints. The Licensing Authority therefore feels only right that these decisions now be reversed, and additional conditions be added to the licence to further promote the licensing objectives.

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12. The summary statement of the Police Authority that they were just here to ensure there is no risk to the clientele around dispersal time, SIA door supervisors to be in place for high volume evenings on a Friday and Saturday. They are concerned about ASB, noise and the clientele which is why they support the reduction in hours by an hour and the specific SIA's to ensure that they are in place with a minimum of 2 for Friday and Saturday evenings after 8:00pm.

The Police Authority did not believe the ACS accreditation was necessary when hiring door supervisors which would cause more issues to the venue. The 2 SIA's stand and perhaps the venue feels it is necessary to have a better door team.

13. The summary statement on behalf of the applicant that the remedial action taken at the review should only be no more than appropriate and a proportionate response.

The modifications to the licence have been agreed, the addition of a new conditions and the reduction of regulated entertainment are appropriate and proportionate.

The no 'new entry', door staff every Friday and Saturday are disproportionate or appropriate under the guidance and not appropriate for the premises as it operates. The hours for Friday and Saturday were put on the licence in July 2016 and there has not been any enforcement action or review been taken to date. I do submit that we are here because of the Euro Championships, night clubs closing, the lockdown and the difficult clientele that were attracted to the premises at that time.

It is a local community premises and has now returned to its normal regular customer base.

We ask you to agree or accept the agreed proposed conditions upon which we have agreed. But anything further would be disproportionate at this stage.

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 Chair made the following statement (**Final Decision Notice attached to these minutes**):

"The Licensing Sub- Committee has listened to and considered the written and oral representations from the Premises Licence Holder's representative, the

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Licensing Authority, the Police, the Other Persons IP1 to IP5 and SUP01 to 12, for an application for the review of the premises licence for The Winchmore. The Licensing Sub-Committee determined that conditions 1 to 21 are agreed as per Annex 8 of the Supplementary report and in addition agrees the following Conditions:

- 22C: The service of drinks to customers in the external area shall cease at 22:30 and no customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

- 23A: There shall be no more than 10 persons using the designated smoking area after 23:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.

- 27B is amended to:

27(a) - A minimum of 2 door supervisors shall be employed on the premises on Friday Saturdays from 20:00 until the premises have closed.

(b)The premises will risk assess any events held at the premises for Licensable activities and the impact of any major sporting events and all specifically advertised events.

(c)The door supervisors shall remain directly outside the premises for 30 minutes after all the premises has closed or until all customers have dispersed.

(d)The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance.

(e)All door supervisors shall be easily identifiable by wearing high visibility jackets.

- Condition 31B is amended to: “The Premises Licence Holder will risk assess the premises to ensure that noise does not emanate from the premises so as to cause a noise nuisance to nearby properties and will ensure continual monitoring and record the monitoring and retain the record for at least 6 months”.

The Conditions and reduction of hours, as set out in this Decision Notice seek to promote the Licensing Objectives and particularly, mitigate the risks of noise nuisance and public nuisance, as set out in the Licensing Authority’s application for this review of the Premises Licence.

The LSC was particularly mindful that The Winchmore pub is located in close proximity to a large residential area and that a reduction of the hours would assist to mitigate the disturbance to local residents as set out in the representations from IP1 to IP5. The LSC took into account that disturbances at the premises occurred when people were leaving the premises, therefore the reduction in hours, would assist to reduce the risk of disturbance to residents in the locality. In addition, the police supported the application for the review on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance and the LSC considered the police representations noting the police indices between 08.05.2020 and 08.09.2021 where there were reports of anti-

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social behaviour and noise nuisance arising from loud music, people from the premises and premises car park.

The LSC also took into account the representations and submissions from the Premises Licence holder's (PLH) (The Celtic Cross Limited) representative and the Company Directors of the Celtic Cross Limited, Mr Mark Walsh and Ms Eimear Walsh. In its decision, the LSC has noted and considered the Premises Licence holder's representations and sought to find a proportionate way forward to assist the premises based on all the information at the hearing. It was noted from the police representations and from the representations from the 'Other Persons' IP1 to IP5 that there was a lack of control of the premises by the Designated Premises Supervisor (DPS) and PLH and therefore, the LSC supported the continued security by way of SIA staff, during certain times, to put in steps that support the Licensing Objectives and mitigate any risks especially at larger events at the Premises, including some sporting events, as per the complaints during the Euro football events in the summer. The LSC acknowledged that the Directors and PLH were willing to conduct risk assessments and noted their representations on carrying out risk assessments which is reflected in the conditions, particularly, 31B, above.

3. The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence;**
- (b) to modify the times of the licensable activities of the licence.**

(a) Conditions (in accordance with Annex 8):

(i) Conditions 1 to 21, 24 and 26 are agreed;

(b) Times/Activities

Activity	Current Hours	LSC Determined Hours
Open	09:00 – 23:30 Sun-Thurs 09:00 – 00:30 Fri - Sat	09:00 – 23:30 Sunday to Thursday (no change) 09:00 – 23:30 Friday to Saturday
Alcohol (on sales)	10:00 – 23:00 Sun – Thurs 10:00 – 00:00 Fri - Sat	10:00 – 23:00 daily

The following times/activities are already agreed (no changes required):

Activity	Agreed Amended Hours
Plays	09:00 – 23:00 Fri - Sat
Live Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Recorded Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Performance of Dance	09:00 – 23:00 everyday
LNR	Remove from license

4

ANNEX 8 - PROPOSED AMENDED CONDITIONS

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Received Annex 8 – Proposed amended conditions.

5

MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meetings held on Wednesday 10 March 2021, Wednesday 19 May 2021 and Wednesday 4 August 2021 as a correct record.