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LICENSING SUB-COMMITTEE - 14.12.2022

MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY, 14 DECEMBER 2022

COUNCILLORS

PRESENT (Chair) Doug Taylor, Michael Rye OBE and George Savva MBE (Cabinet Member for Social Housing)

ABSENT Esin Gunes

OFFICERS: Ellie Green (Principal Licensing Officer), Cartriona Macfarlane (Legal Adviser), Metin Halil (Democratic Services)

Also Attending: Jayne Diaz (Kings Head & Bar Taps), PC Justyna Golota, PC Derek Ewart

1

WELCOME AND APOLOGIES FOR ABSENCE

1. Councillor Taylor as Chair welcomed all attendees to the online meeting and explained the order of the meeting. Apologies were extended to all for the delayed start time which was due to technical issues regarding TEAMS.

2

DECLARATION OF INTERESTS

Councillor Michael Rye declared a non-pecuniary interest as he is a Trustee of the Old Prochiral Charity which owns the Kings Head Public House. Councillor Rye had taken legal advice and believes he can take part in proceedings today.

3

MINUTES OF PREVIOUS MEETING

The minutes of the meetings held on Wednesday 3 August 2022 will now be considered at the meeting to be held on Wednesday 4 January 2023.

4

MAXI FOOD & WINE, 38 CHASE SIDE, SOUTHGATE, N14 5PA

Due to technical difficulties for external parties with the MS Teams live event preventing them from being able to fully participate, it was not possible to consider this review application remotely. Members and officers apologised for the technical problems, and the Chair thanked all parties for giving up their time this morning.

LICENSING SUB-COMMITTEE - 14.12.2022

The Licensing Sub Committee agreed that consideration of the application should take place at a new hearing on the later date of Wednesday 4 January 2023 at an in-person meeting at Enfield Civic Centre.

A new MS Teams link and invitation would be issued for the supplementary agenda item next on this meeting agenda, to commence at 1:30pm this afternoon.

5

TEMPORARY EVENT NOTICES (TENS) - OBJECTIONS - THE KINGS HEAD, 9 MARKET PLACE, ENFIELD, EN2 6LL AND BAR TAPS, 29 SILVER STREET, ENFIELD, EN1 3EF

RECEIVED the Temporary Event Notices (TENS) – Objections for the premises known as The Kings Head, 9 Market Place, Enfield EN2 6LL and Bar Taps, 29 Silver Street, Enfield, EN1 3EF.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The premises both hold premises licenses in the name of Alpine Cross Limited for the Kings Head and Michael Fallon for Bar Taps who is also the Director of Alpine Cross Limited.
Chelsie Dakin is the Designated Premises Supervisor (DPS) at the Kings Head and is the applicant of the recent TENS to be considered today. Lorna Coulston is the DPS at Bar Taps and is the applicant of the recent TENS also to be considered today.
 - b. The dates and times for the TENS are set out in the report but we have received a slight amendment today to reduce the number of dates being sought, that has been circulated previously. Originally the dates were set out in Annex 2 and Annex 10 on pages 4, 7 & 8, that summarize. The TENS seek one additional hour of licensing activity after the permitted hours of the existing premises license.
The TENS are for each day of the week, midweek seeking up to 01:00am and up to 03:00am on Fridays and Saturdays.
 - c. The Police have responded to these TENS with an objection notice in support of the prevention of Crime and Disorder objective. The Police have concerns of increased crime and disorder if the later hour be extended based on the statistics of current levels of crime and disorder which are more prevalent at the current closing times. The Police objection notices are set out in Annex 3, page 3 of the Supplementary Agenda and again in Annex 11 page 119 of the supplementary agenda.
 - d. More TENS were submitted by both applicants, and they were deemed to be late TENS as they were less than 10 working days before the event, which the Police also objected to in the most part. Examples of those County notices have been provided in the bundle. If any relevant

LICENSING SUB-COMMITTEE - 14.12.2022

objections are made in late TENs, a counter notice is given by the Licensing Team and there is no opportunity for a hearing. A late TEN should be an exception. The intention of a late TEN is to assist premises users who are required for reasons outside of their control i.e. change of venue at short notice. The Licensing Sub-Committee do not need to consider these late TENs and is for background information to this hearing.

- e. The applicants have amended the TENs dates sought to ensure there is a 24 gap between the separate TENs notices. For the Kings Head, the TENs notice called TEN 3 is only seeking the Sunday 18 December 2022. TEN 4 remains as is and TEN 5 for the 31 December 2022 is not required. The same applies to Bar Taps; TEN 3 it is only 18 December 2022 that is being sought, TEN 4 is being sought in full and TEN 5 – 31 December 2022 is no longer required. Already on the Premises Licence, both premises are permitted to be open effectively 24 hours a day, based on their seasonal variation against their timings.
 - f. Both applicants indicated that they did not want to withdraw the TENs and wish for them to be considered by the Licensing Sub-Committee.
 - g. As the objection notices from the Police contain similar information to both premises and the Premises Licences are both held effectively by Michael Fallon, it was deemed appropriate to hold the hearing for each premises simultaneously.
2. The statement of Jayne Diaz on behalf of the Kings Head Public House and Bar Taps Public House:
- a. Jayne Diaz apologised for the errors in the completion of the TENs applications.
 - b. They had always worked with the Licensing Team but in recent times they had noticed some changes with retirements and maternity leave and had been unable to have regular meetings as they had done previously. They had worked for 12 years very closely with the Licensing Team since being in the Enfield Town area with the premises. They would always discuss local issues and would exchange information, but this had not happened in recent times.
 - c. The premises had been very dis-appointed with the reasons for objections as they were unfounded. How could the objections be irrelevant to other licensed premises in Enfield Town? For example, O'Neills Public House have constant Police Presence every weekend. The Kings Head and Bar Taps should not be associated with this as they have had Police attend their premises only 3 times over a 3-year period. The premises employ an experienced security team over the past 3 years.
 - d. The premises records supply that has been shared with the Licensing Team, show that they go over and beyond to comply with their licensing commitments. These include the following:

LICENSING SUB-COMMITTEE - 14.12.2022

- A breathalyser which is used on customers entering their premises. This was not a condition of the premises licence but has been retained to monitor under-age and intoxicated customers from entering the premises. This is used on the premises busy evenings on Thursday, Friday, and Saturday nights. These refusals are recorded and logged.
 - An accident book and Health & Safety training records. Every employee must know all the licensing commitments they have signed, to show that they have read them. All staff attend a licensing over 21 meeting monthly. So, all staff are aware of what is expected of them.
- e. The extra hours sought, would help the premises especially after the Covid Pandemic and high energy prices, during their quiet periods in January and help keep their staff employed.
3. In response, the following comments and questions were received:
- a. Councillor Rye referred to the 3 incidents in 3 years across the two premises where Police assistance was required. It would be helpful if Jayne Diaz could answer what the nature of those 3 instances were, so the Committee could be aware of why the Police attended on those 3 occasions. Jayne Diaz responded with the following:
- 1st occasion – 30 people of the traveller community refused to leave the premises. They were buying alcohol from the shop next door, during the day and then coming into the premises. The premises had no security and the 30 people were getting rowdy so Police assistance was needed.
 - 2nd occasion – A mental health patient was acting in a bizarre manner in the premises. This was mid-week, and the premises were quiet with no security staff. The premises felt it was appropriate for the Police to attend as this was a sensitive issue as it may have been dangerous for the customer to be asked to leave the premises.
 - 3rd occasion – A bag had been taken within the premises and staff had assisted with CCTV evidence. The premises had not called the Police, they had come to the premises about a crime.
- b. The Chair enquired whether Jayne Diaz was not drawing any distinction between the two Public Houses in terms of either operation or behaviour by customers. Jayne Diaz responded that there was no distinction, and that the same door staff are used for both premises who liase with one another.
4. The statement of PC Justyna Golota providing Police representations regarding the Kings Head Public House:

LICENSING SUB-COMMITTEE - 14.12.2022

- a. PC Golota sought clarification from Jayne Diaz there were only the 3 incidents over 3 years that Police assistance was requested for both the Kings Head and Bar Taps. Jayne Diaz confirmed that this was correct. There had only been 3 instances where the Police had been called for assistance by the premises over 3 years.
 - b. The Police were objecting to the Kings Head TENs applications for the 21st, 22nd, 23rd, 24th, 27th, 28th, 29th, 30th and 31st of December 2022. These were based on evidence of Crime and Disorder happening near and around the closing times of the premises.
 - c. PC Golota had prepared an additional document, which she could e-mail to interested parties if they wished. PC Golota detailed the contents of the e-mail as evidence of crime and disorder happening near and around the time of closing of the premises. The Police database showed that there were 78 total incidents relating to the Kings Head over three years. Several of them being theft committed on the premises.
Violence, suspicious circumstances, cannabis possession, stop and searches, etc in the last 12 months showed 37 incidents related to the Kings Head of which 20 related to crime and disorder.
 - d. In summary, over the last 12 months, not 3 years, crime and disorder incidents around the closing terminal time occurred 13 times. Nine of which were violent disorder and 4 incidents of theft from a person. The remaining 7 incidents referred to crime and disorder not relevant to terminal times.
5. In response, the following comments and questions were received:
- a. Councillor Savva asked whether, the reported incidents of violence and disorder associated with the Kings Head, occurred inside the premises or outside in the square? PC Golota responded that most of the incidents occurred outside of the premises and all related to the Kings Head. Because people involved in those incidents had attended the premises prior to the incident.
 - b. Councillor Rye's enquiry that whilst there was a small number of incidents happening inside the Kings Head the majority happened outside. But the Police were able to ascertain from those involved that they had been drinking in the Kings Head. This was confirmed by PC Golota.
 - c. The Chair asked for clarification regarding the number of incidents that had occurred at the closure time of the public house during the extension times of the Licence. PC Golota's response that of the 20 incidents, 13 had occurred at the closure or around the closure time of the public house.

LICENSING SUB-COMMITTEE - 14.12.2022

- d. Jayne Diaz's (Kings Head) concerns that her and her team were totally dumbfounded with the list of allegations that PC Golota had read out. She felt that this was a list of crime in the area that the square is in which was not the Kings Head's responsibility. Customers from the O'Neills pub. opposite the premises, had customers who try to enter the Kings Head once they have left O'Neills. They are stopped from doing so by Kings Head security staff but could not stop those customers from walking over to the square. Jayne Diaz requested the Police reports that stated that these customers had been drinking in the Kings Head. The Kings Head were totally unaware of the incidents that PC Golota had listed against the Kings Head.

In response PC Golota stated that in relation to O'Neill's public house, this was a completely different matter which she would not be discussing. The Kings Head should have a record of all the incidents that were mentioned. A meeting could be arranged between the Police and Kings Head for the reports, but the Kings Head would have to put in a data request. However, only basic information could be provided. PC Golota agreed that the Kings Head did call the Police 3 times over 3 years but there were more incidents relating to their premises.

- e. Councillor Rye's question regarding these incidents associated with the Kings Head and if the Police normally consult the licensee at the Kings Head of these incidents by e-mail/telephone call of your concerns? As it would appear from what Jayne Diaz has said that this hasn't happened. PC Golota responded that she had tried to personally contact both the Kings Head and Bar Taps when she was trying to review the TENs applications. She was unsuccessful trying to call the Kings Head and she would have to check her e-mails to see which premises she e-mailed. She never got a reply to any e-mails. She had a deadline of 3 days to review TENs applications so never gave up trying to contact the Kings Head. Jayne Diaz refused to accept that the Police tried to contact her premises.

The Legal representative interjected at this point and asked; on average in premises in the area, how many complaints did the Police receive in a year, as it would be unusual for a premise to go a whole year without any? PC Golota's response that it would be unusual but having 13 reported incidents in a year relating to the premises closing time was not that unusual.

6. The statement of PC Derek Ewart providing Police representations regarding the Bar Taps Public House:

- a. The Police were objecting to the TENs applications from the 9th December 2022 through to 29th December 2022. These are shown in the agenda pack. PC Ewart's statement as detailed at page 121 of the supplementary agenda was read out.

LICENSING SUB-COMMITTEE - 14.12.2022

- b. PC Ewart clarified the use of crime indices and the CAD system (computer aided dispatch system). The Police use the CAD system as a recording device when a person (anonymous individual or passer-by) rings 999 or 101 regarding an incident or incidents occurring. A computer aided message is then created and is used to assess whether resources are assigned or not by the Police. PC Ewart used the CAD system to access Bar Taps incidents of note from the 23rd February 2022 to 8th December 2022, a period of 9 months and 2 weeks. PC Ewart found 10 incidents in total, 9 of which related to violence with 8 of those occurring after 22:00 hours. There were 4 calls made to the Police by Bar Taps staff within the last 3 months. PC Ewart then described the 10 CAD incidents that he identified during that time frame of 9 months and 2 weeks regarding the Bar Taps Public House.
 - c. PC Ewart referred to the Bar Taps License that Jayne Diaz having held for 12 years now. Reference was then made to page 5, paragraph 4.3 of the supplementary agenda that on the 23 February 2016 there was a summary review of the premises, that was listed on the CAD system, as the Police believe the premises to be associated with serious crime and disorder, namely an assault had taken place at 01:45am on the premises. So this was not the first time that has happened as it had also been reviewed in 2016.
7. In response, the following comments and questions were received:
- a. Councillor Rye clarified that PC Ewart listed 10 CAD incidents in 9 months, 9 of which were of a violent nature around about the closing times along the lines of the incidents that have been described and often related to intoxication. This was confirmed by PC Ewart.
 - b. Ellie Green provided clarity to Councillor Savva regarding the Page 3 of the supplementary agenda as he could not see any reference to TEN1. This was mentioned under paragraph 3.3.
 - c. The Kings Head's following comments that a CAD would also include a call to an ambulance whereby the Police are informed, these are not necessarily related to Police CADs, there had been incidents whereby Taps Bar staff have had to call an ambulance for their patrons to assist them in that way. The review in 2016, that PC Ewart had mentioned, was overturned. In response, PC Ewart confirmed that a review had been bought by the Police in 2016 for Bar Taps. Lorna Coulson, DPS of Bar Taps, referred to two of the phone calls made to the Police, that were both related. Lorna Coulson queried the timings that alcohol was being served which in her opinion was incorrectly reported by PC Ewart. Bar Taps were allowed to serve alcohol up to 11:30pm so a patron could be served alcohol at 11:25am. PC Ewart's response that when

LICENSING SUB-COMMITTEE - 14.12.2022

looking at the CAD system, all he could go by is what the operator has typed in for that incident. He was not aware of what the times of operation were. PC Ewart also clarified that when a call is made for an ambulance, that would be recorded on the London Ambulance Service CAD system. The CAD system that PC Ewart uses relate to licensed premises.

8. The summary statement of Ellie Green, Principal Licensing Officer:
- a. Having considered the TENs, the objection notice(s) received from responsible authorities and any further representations made by parties to the hearing the licensing sub-committee must decide whether:
 - To issue a counter notice under Section 105, sub-section 2 of the Licensing Act 2003 and the event cannot take place.
 - To issue a counter notice under section 106A, sub-section 2 of the Licensing Act 2003 and the event can take place subject to conditions. This could include any amendments to dates and times as well as usual conditions.
 - To not issue a counter notice and the event can take place.
 - b. The Licensing sub-committee must consider whether the tenant applications at both the Kings Head and the Bar Taps are appropriate and in support of the licensing objectives. Financial implications are not the licensing objective and should not be taken into consideration.
9. Application was made by **CHELSIE DAKIN** for the premises situated at **THE KINGS HEAD, 9 MARKET PLACE, ENFIELD, EN2 6LL** for three Temporary Event Notices (TENs) covering the following dates:

TEN	Date	Timings
TEN3	Sunday 18 th Dec	02:00 to 03:00
TEN4	Wednesday 21 st Dec	00:00 to 01:00
	Thursday 22 nd Dec	00:00 to 01:00
	Friday 23 rd Dec	00:00 to 01:00
	Saturday 24 th Dec	02:00 to 03:00
TEN5	Tuesday 27 th Dec	00:00 to 01:00
	Wednesday 28 th Dec	00:00 to 01:00
	Thursday 29 th Dec	00:00 to 01:00

LICENSING SUB-COMMITTEE - 14.12.2022

	Friday 30 th Dec	00:00 to 01:00
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The Licensing Sub-Committee **RESOLVED** to:

- a. **Issue a Counter Notice under section 106A(2) of the 2003 Act and the event can take place subject to conditions;**

Conditions (in accordance with Section 106A(2) of LA03):

1. For the duration of the TENs all the licence conditions of premises licence LN/201100360 shall apply.
2. For the duration of the TENs there shall be an SIA qualified door supervisor on each entrance/ exit to the premises.

Reasons:

The Chair made the following statement:

“After considering the papers supplied and hearing the parties, the Licensing Sub-Committee are not persuaded that the TENs should be completely refused. However, they were persuaded that some conditions were required to allow the TENs to be granted, especially as customers from Bar Taps may decide to continue drinking in the Kings Head.”

10. Application was made by **LORNA COULSTON** for the premises situated at **BAR TAPS, 29 SILVER STREET, ENFIELD, EN1 3EF** for three Temporary Event Notices (TENs) covering the following dates:

TEN	Date	Timings
TEN3	Sunday 18 th Dec	02:00 to 03:00
TEN4	Wednesday 21 st Dec	00:00 to 01:00
	Thursday 22 nd Dec	00:00 to 01:00
	Friday 23 rd Dec	01:00 to 02:00
	Saturday 24 th Dec	02:00 to 03:00
TEN5	Tuesday 27 th Dec	01:00 to 02:00
	Wednesday 28 th Dec	00:00 to 01:00
	Thursday 29 th Dec	00:00 to 01:00
	Friday 30 th Dec	01:00 to 02:00

The Licensing Sub-Committee **RESOLVED** to:

LICENSING SUB-COMMITTEE - 14.12.2022

- (a) Issue a Counter Notice under section 105(2) of the 2003 Act and the events cannot take place.

Reasons:

The Chair made the following statement:

“The LSC are satisfied, after reading papers and hearing the parties, that the MPS has made clear that the events reported on the MPS CAD showed incidents of violence at or around the terminal hour and that there is a strong possibility of this recurring if the TENs are allowed.”