

MINUTES OF THE LICENSING SUB COMMITTEE HELD ON MONDAY, 10TH JANUARY, 2022, 7:00PM – 8:40PM

PRESENT:

Councillors: Alessandra Rossetti, Gina Adamou (Chair), Barbara Blake

ALSO ATTENDING:

8. FILMING AT MEETINGS

The Chair referred to the filming of meetings and this information was noted.

9. APOLOGIES FOR ABSENCE

There were no apologies for absence.

10. URGENT BUSINESS

There was no urgent business.

11. DECLARATIONS OF INTEREST

There were no declarations of interest.

12. SUMMARY OF PROCEDURE

The Chair provided a summary of the procedure for the meeting.

13. APPLICATION FOR A NEW PREMISES LICENCE AT CLASIC RESTAURANT, 502-508 HIGH ROAD, LONDON N17

This item was withdrawn from the agenda.

14. APPLICATION FOR A NEW PREMISES LICENCE AT THE WINCHESTER, ARCHWAY ROAD, LONDON, N6

Ms Daliah Barrett, Licensing Team Leader, informed the Sub-Committee that:

- This was an application for a new premises licence.
- The application was seeking regulated entertainment in the form of live music Monday to Sunday 12:00–22:00, recorded music and supply of alcohol Sunday to Wednesday 10:00–23:00.
- The supply of alcohol was for consumption on and off the premises.

- The premises would be open to the public Sunday to Wednesday 10:00–23:00 and Thursday to Saturday 22:00–00:00.
- Representations had been received during the 28 day consultation period. These could be found in Appendix B of the agenda papers.
- If the Sub-Committee wished to grant the sale of alcohol any time between 08:00–23:00, then regulated entertainment between those hours would also be allowed to be carried out during the same period. The option for the Sub-Committee to condition any such regulated entertainment carried out between the hours of 08:00–23:00 could only be considered in the event of a review application.
- An example of regulated entertainment would be the playing of recorded music.
- The playing of background music could not be considered a licensable activity.
- Appendix A also contained two plans. The first plan that had been submitted showed an area outside the premises which included the public highway drawn onto the plan. Upon submitting the plan, the applicant was notified that the public highway could not be part of the licence application and therefore a revised plan was submitted which omitted the display of the public highway.
- The applicant, in order to use the pavement area, needed to submit an application for tables and chairs licence or a pavement licence.
- The agenda papers also outlined that the building used to be a pub with a hotel accommodation on the other floors. The premises had now been altered and was a public house with residential properties.
- A copy of a premises licence which had been used in the past could be found in the agenda papers.
- The Council's Licensing Policy stated that the Council would have particular regard for licensed premises operating into the evening which could affect nearby residents and that the Council would ensure that any licensed premises would comply with licensing objectives including public nuisance.
- The Police had submitted a representation (found on page 133 of the agenda papers), but this since had been withdrawn as the applicant had agreed terms with the Police.
- The Statement of Licensing Policy also addressed the Council's policy on the recommended hours of licensable activity.
- Representations regarding the application largely related to potential noise nuisance and the lack of soundproofing and representations from residents also included a noise acoustic report from a consultant.
- Building regulations were not part of the remit of consideration of the Sub-Committee.

In response to questions from Members, Ms Barrett, informed the Sub-Committee that:

- The applicant had submitted in their own acoustic report and this could be found from page 101 of the agenda papers.

- The acoustic report labelled 'APT' had been submitted by a number of residents.
- Section L on page 89 of the agenda papers actually listed the correct operating hours. Therefore, the hours in which the premises would be open to the public would be 23:30 Sunday to Wednesday and until 00:30 Thursday to Saturday.

The Sub-Committee was then addressed by residents. Mr Richard Scavetta informed the Sub-Committee that:

- Residents did not generally object to the use of the space of the public house.
- A well-run licensed premises which was appropriately used was in the best interest of all parties.
- The agenda papers stated that the premises used to be a hotel and that the upper floors had been converted for residential use. However, it was actually the case that more than 30% of the ground floor and 50% of the basement (and the entire subbasement) had been converted for residential use – not only the upper floors of the building.
- The main concern related to indoor noise and a sound test had been conducted. Although the Sub-Committee did not deal with building regulations, granting a licence for the building which was 75% residential when no appropriate soundproofing had been completed needed to be considered carefully.
- Two acoustic reports had been submitted, one of which had been submitted by the freeholder of the building. The quality of the test carried out as part of the report had been witnessed by the residents as the individuals carrying out the testing needed access to the residential flats. Residents did not trust the results of the report and therefore decided to commission their own report. The results of the report as commissioned by residents found that adequate soundproofing was not in place between the proposed licensed area and the residential dwellings.
- In relation to the operating hours, residents felt that the operating hours should reflect the mixed use of the building.
- References to the previous licence held by the building was irrelevant as the practical use of the building had changed and was no longer used as a 100% commercial space.
- The operating hours should not go past 22:00 on the night of a weekday and 23:00 on the night of a weekend.
- CCTV was not always sufficient in dealing with public nuisance issues. Therefore, in addition to CCTV, there may need to be additional security to ensure that public nuisance in the area was limited.
- Since residents had submitted their representations, there had not been any communications between residents and the applicant.

Mr Eddy McGregor informed the Sub-Committee that:

- The soundproofing needed to be adequate.
- His bedroom was located above the function room.
- He had heard conversations from his home held by contractors from the proposed licensed area. Therefore, conversations held between 50 to 100 people on Friday and Saturday night would be considerably detrimental to people's lives.
- The way the freeholder had carried out the soundproof tests appeared to question its integrity.
- He had a two-year-old child living with him and if footsteps from contractors can be heard then dozens of people on a Friday night could be hurt very easily.
- He would request that adequate soundproofing was done to a sufficient standard before the application was approved.

Ms Helen Napoli informed the Sub-Committee that:

- She wished for the situation to be resolved amicably.
- The premises should not become a live music venue.
- There was considerable amount of crime in the area that was seen on a daily basis including drug dealing and convenience store nearby was regularly broken into.
- The camera was set up in the back of the building which had filmed people injecting drugs and public urination.
- There was a lack of sufficient security.

Ms Sarah Carroll informed the Sub-Committee that:

- Residents had become aware of the past use of the building before settling into their homes and had solicitors look into the history of it. It was understood at the time that the premises could be used as a gastro pub or a restaurant, not a live music venue and not a public house.
- Live music or amplified music was not what's the residents were expecting the premises to be used for.

In response questions from Members, the residents outlined to the Sub-Committee that:

- The freeholder had ensured that he would take care of the soundproofing issues between the public house and the residential homes.
- After the residents had arranged for testing to be carried out, a copy of the report was shared with the freeholder but residents had not been engaged with any further.
- The operating hours should not run past 22:00 on the night of a weekday and 23:00 on the night of a weekend. This had not been discussed with the applicant.

- It appeared that those who had conducted the soundproofing test on behalf of the freeholder had attempted their very best to get a pass in the relevant testing areas such as closing doors and changing other variables. After residents had carried out their own soundproofing test, it was found that, where failures had been noted, those failures were quite significant in nature and reflected on the point-scoring on the test. It was concluded that the test commissioned by the freeholder had not been conducted properly.
- Residents had indicated they wish to have a dialogue with the freeholder and the applicant and had been willing to discuss issues with them.
- The applicant had not engaged with residents very well.
- Residents had also had issues with the freeholder regarding other issues.
- Even on the report commissioned by the freeholder, the reports had noted concerns.
- The dancefloor was above Mr McGregor's bedroom and his son's bedroom. He was concerned about the soundproofing. Concerns were raised after work had started going on inside the public house.
- Due to the obvious nature of the poor quality of the soundproofing, it was questionable as to how the test commissioned by the freeholder had managed to gain a pass.

Mr Sam Moss, applicant, informed the Sub-Committee that:

- The noise report had been compiled by freeholder.
- He was not the freeholder, but was the applicant looking to run a high-quality pub.
- A number of issues that had been discussed at the Sub-Committee was not relevant to the application. The application should only be considered on the licensing objectives.
- The premises had traded as a pub from 1881 until 2016 when it was purchased by a property developer who had intended to convert the building into residential use.
- As part of the planning permission, the Council's decision specifically stated that the ground floor and associated basement floor would not be used for anything other than for a public house, wine bar or other drinking establishment.
- The premises was considered an asset of community value.
- The space could not be used for anything other than a public house. As this was the case, a standard licensing application had been submitted.
- The hours applied for was an improvement on the previous hours that had been operated at the premises as the terminal hours in the past had been 00:00 Monday to Thursday and until 01: 30 Friday Saturday and Sunday nights.
- Any further reduction of the operating hours applied for would not be commercially viable for any operator.

- The applicant was a responsible operator.
- The applicant ran three other licensed premises in North London. Two of the premises buildings had previously been closed for a long time and had opened to universally positive feedback from local communities. These premises were The Albert (in Primrose Hill) and The Old White Bear (in Hampstead). This resulted in a boost in the economy and reduction of crime and disorder particularly in relation to The Albert. Empty buildings had also been put back into use.
- He was willing to work with residents to deliver a high-quality licensed premises.
- The acoustic report he had submitted showed that the noise levels were within acceptable levels.
- As the applicant would be continuing the building's established use as a pub, the responsibility for mitigating impact for noise fell on the landlord.
- The work done on the building had likely been signed off by building control and if the quality of the noise mitigating impact was not adequate, then the residential accommodation should not have been considered an adequate living space.
- The applicant had never had any issues with noise complaints in relation to live music. Live music would be ancillary to the premises and its general activities.
- The premises would serve pub food but did not want to have to provide a temporary event notice for the playing of acoustic music.
- The live music that would be played would not be particularly loud.
- The applicant had run pubs for 15 years and had never had a dancefloor in any of them.
- The applicant was a responsible and experienced operator.
- The applicant wished to bring back to life an asset of community value and the application should be granted as sought.

In response to questions, Mr Moss, informed the Sub-Committee that:

- The applicant had not commissioned the acoustic report that he had submitted. It was commissioned by the freeholder.
- The freeholder commissioned the acoustic report voluntarily upon query. The freeholder informed the applicant that the noise report was positive and to submit an application for a licence.
- Residents had commissioned their own noise report and the freeholder's team said that they did not agree with the results.
- He believed that it was not the applicant's responsibility to ensure that sufficient noise protection was in place as this was the freeholder's responsibility.
- He did not believe that there would be any noise issues and ultimately the applicant had to work with the terms of the licence that was provided.

- He wanted the residents to be able to visit the pub and enjoy the amenity. That would not be an excess level of noise or music.
- The application put forward was not in breach of any of the licensing objectives.

At this point in the proceedings, Ms Barrett stated that the acoustic report that was commissioned by the freeholder and therefore one would hope that, as it was the freeholder's own report, they would be able to address the two items raised on 6.2 of the two areas that the report had stated required further investigation. The Council's Noise Team did not have any comment, but this was something that the Noise Team could take up separately with the freeholder.

In response to further questions, Mr Moss, informed the Sub-Committee that:

- The applicant was caught in a dilemma between the freeholder and residents and had been informed that all the proper procedure had taken place. Ultimately, this was the freeholder's responsibility.
- The application that he had put forward was fair and balanced as the hours put forward for operation were reasonable and commercially viable at the same time.
- It was the freeholder's responsibility to ensure that the building was in a fit state but this was a separate conversation from the licensing application.
- Part of the area that was proposed to have licensable activity had been previously refused planning permission (in order to be turned into a residential dwelling). The area would be used as a licensed premises whether it was run by himself or another applicant.
- He was responsible operator and this could be seen by the other licensed premises he ran.
- The premises would not play amplified music after 22:00 except perhaps on a New Year's Eve.
- Pubs needed to have flexibility. Residents would be able to complain to the Council if the licensing objectives were not upheld.
- A condition regarding the use of CCTV had been accepted. This was a condition that was proposed by the Police regarding cameras being able to operate outside the pub and the footage being made available to the Police.
- In relation to crime and disorder, the patrons that visited the premises were unlikely to engage in such activities and it was important for the applicant to be able to work within the boundaries of the conditions of the licence such as refusing to serve intoxicated or volatile individuals.
- The premises would not sell cheap alcohol and would offer champagne and wine by the glass. There would also be high-quality craft beer and soft drinks. This could be observed in the other licensed premises that was run by the applicant. Furthermore, there had been various benefits as a result of the premises run by the applicant as

issues of fly tipping had stopped, there were more people in the area and the general area was well kept. More people were also entering the area in general and there had been improvements to the immediate area in which those premises operated.

- There had been a lot of sound proofing installations made at the premises. The floor of the premises would also be carpeted. The issues raised were relevant and largely for the freeholder, but the objections needed to be taken into consideration with the licensing objectives.
- The terminal hour for his other licensed premises and their operating hours as advertised was solely for the supply of alcohol. An additional half an hour was added onto the appetite hours as a cooling off period. The hours applied for in this application was the same as the other licensed premises that he ran.
- There was not very much live music in any of the other licensed premises that he operated but on average, such activity would equate to once a fortnight. None of his premises operated as live music venues.

To summarise, Mr and Ms Napoli on behalf of residents, stated that in general terms, residents were in favour of the application and understood that the concerns related to the freeholder but if the licence was granted, then there would be nothing to stop the process from going forward. Residents had approached the freeholder regarding the concerns but had not been adequately consulted. Residents wished to come to an agreement with the applicant so that residents would be able to live harmoniously with the applicant and the premises itself. If concerns raised by residents was not addressed then it would be very easy to collect evidence of noise nuisance and it would be very easy to collect vast amounts of such evidence very quickly and this was why the issues should be settled before the premises could begin licensable activities.

To summarise, Mr Moss stated that he wished to revive an empty and neglected building with a superb heritage into a surviving well run pub at the heart of its community. Good pubs delivered good benefits to the area. The building could only be operated as pub and he requested that the application be approved.

At 8:20pm, the Sub-Committee adjourned to consider the application.

RESOLVED

The Licensing Sub Committee carefully considered the application for a new premises licence for Winchester Hall Tavern, 206 Archway Road, London N5 6BA. In considering the application, the Committee took account of the London Borough of Haringey's Statement of Licensing Policy, the Licensing Act 2003, the Licensing Act 2003 section 182 Guidance, the report pack and the applicant's and objectors' written and oral representations.

Having considered the application and heard from all the parties, the Committee decided to grant the application for a new premises licence with the following conditions:

Operating times:

Supply of Alcohol on and off the Premises

Sunday to Thursday 1000-2300 hours

Friday and Saturday 1000-0000 hours

Hours open to the public:

Sunday to Thursday 1000 - 2330 hours

Friday and Saturday 1000 – 0030 hours

The following conditions are imposed:

1. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (a) Cameras must be sited to observe the entrance doors from both inside and outside.
 - (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Provide a linked record of the date, time of any image.
 - (d) Provide good quality images - colour during opening times.
 - (e) Have a monitor to review images and recorded quality.
 - (f) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (g) Member of staff trained in operating CCTV at venue during times open to the public.
 - (h) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available with the absolute minimum of delay when requested and within a maximum of 24 hours of the initial request.

2. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to the incident as is reasonable and made available on request to 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) Seizures of drugs or offensive weapons
 - (f) Any faults in the CCTV system or searching equipment or scanning equipment
 - (g) Any refusal of the sale of alcohol
 - (h) Any visit by a relevant authority or emergency service.

Police will be called to any incidents of violence or disorder.

3. Staff will be trained to recognise when customers are becoming drunk and will adopt appropriate cut off procedures to reduce aggressive behaviour.
4. Staff will eject anyone who is intoxicated and no longer able to control their behaviour.
5. A zero tolerance policy to be implemented in relation to illegal drugs, substances and weapons. The premises will provide a safe to enable confiscated drugs to be stored securely before being handed to police. Any customers found in possession of drugs, substances or weapons will be refused entry or removed from the premises.
6. A Challenge 25 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.
7. A full health and safety and fire risk assessment of the premises will be carried out annually.
8. Staff shall ensure all entrances, exits and designated fire escapes are clear of blockages
9. A 'soft finish' of 30 minutes between the end of drinks service and the closing of the premises.
10. Staff to regularly supervise the exterior area of the premises to ensure customers are not blocking the pavement or causing a nuisance.
11. At the end of licenced hours staff will actively encourage customers to disperse from directly outside the venue.
12. Signage to be clearly displayed notifying customers that it is a residential area and for them to leave the premises quietly and to not loiter in the surrounding area.
13. No drinks to be allowed outside the venue after 2200 hours.
14. Refuse such as bottles to be placed into receptacles outside the premises at times that will not cause a disturbance to nearby properties.
15. Large deliveries will only take place between 0800 and 2000 hours Monday to Sunday.
16. No under 18s to be allowed on the premises unless accompanied by an adult.
17. No gaming machines.

Reasons

The Committee gave serious consideration to the submissions by the applicant and to the concerns raised by the objectors.

The Committee felt that given that the premises are located within a mixed-use building which includes residential units it was appropriate and proportionate to impose the above conditions in order to promote the licensing objectives and to address the residents' concerns about noise.

The Committee acknowledged that the applicant had accepted all of the police's proposed conditions.

The Committee further acknowledged that the Applicant confirmed that live music would only ever be until 2200 hours at the latest and that the premises would primarily operate as a public house with occasional live music.

Informative

The Committee acknowledged that the issue of soundproofing was primarily a matter between the residents of the building and the freeholder. The Committee considered that it would be preferable for the Applicant, residents and the freeholder to work together to find a way forward but that such matters were beyond the Committee's remit.

Appeal Rights

This decision is open to appeal to the Magistrates Court within the period of 21 days beginning on the day upon which the appellant is notified of the decision. This decision does not take effect until the end of the appeal period or, in the event that an appeal has been lodged, until the appeal is dispensed with.

15. NEW ITEMS OF URGENT BUSINESS

There were none.

CHAIR:

Signed by Chair

Date