

MINUTES OF A MEETING OF THE LICENSING SUB COMMITTEE C

TUESDAY, 24 JANUARY 2023

THIS MEETING WAS LIVE STREAMED AND CAN BE VIEWED HERE:

<https://youtu.be/JrnHUj5DH3E>

- Councillors Present:** Cllr Gilbert Smyth in the Chair
Cllr Zoë Garbett and Cllr Richard Lufkin
- Officers in Attendance:** Amanda Nauth – Licensing and Corporate Lawyer
Suba Sriramana – Acting Principal Licensing Officer
Natalie Williams - Senior Governance Officer
David Tuitt - Team Leader Licensing & Technical Support
- Also in Attendance:** Paul Drummond - Applicant
Adam Wilson - Designated Premises Supervisor/
Licensee
Joanne Hipkiss - Other Person (Observer)

1 Election of Chair

- 1.1 Cllr Smyth was duly elected as Chair.

2 Apologies for Absence

- 2.1 There were no apologies received.

3 Declarations of Interest - Members to declare as appropriate

- 3.1 There were no declarations of interest

4 Minutes of the Previous Meeting

- 4.1 The minutes of the hearing held on 13 December 2022 were approved as a true and accurate record of proceedings.

5 Licensing Sub-Committee Hearing Procedure

- 5.1 The Chair outlined the hearing procedure to be followed.

6 Application for a Premises License: Edit, Ground Floor, 217 Mare Street, E8 3QE

RESOLVED: This application was approved under delegated authority.

7 Review of a Premises Licence: The Talbot, 109 Mortimer Road, London, N1 4JY

7.1 The sub-committee heard from the Principal Licensing Officer, the Applicant and the Designated Premises Supervisor (DPS)/Licensee. The sub-committee noted the additional information submitted by the Applicant and DPS. It was noted that the applicant, a local resident, had brought the review on the grounds of the prevention of public nuisance.

7.2 During the course of submissions and a discussion of the application, the following points were noted:

- The Applicant raised concerns about public nuisance from unmanaged noise from the five outside drinking areas especially the front balcony and the indoor function suite.
- The Applicant had lived at the premises since 2007 when there was one outside drinking area. He reported that many of his neighbours were relatively new and had not experienced the historic issues that he had.
- Further concerns were raised in relation to: the lack of management of the function suite and balcony public safety; obstruction of the public highway which prevented him from accessing his property; drunk and disorderly behaviour; trading without a pavement licence which was granted under emergency COVID legislation; a number of breaches of the licence; no planning permission for the balcony area; lack of adequate sound proofing and the change of nature of the business from a local pub to a party venue.
- The Licensee had run the premises since 2010 and had been a personal licence holder since 2006. The business was described as a gastro pub, with Sunday being its busiest day. He refuted claims of unauthorised expansion and stated that having spoken to neighbours they were in support of how the pub was managed.
- In response to concerns raised, the DPS stated that soundproofing had been installed; group bookings were vetted; there was no exclusive hire of the upstairs function room; there was signage advising patrons to keep noise to a minimum; deliveries took place after 8am; an offer was made to build a wall between the Applicant's balcony and that of the premises.
- It was noted that the police had not submitted any representation and had not attended the premises for any disorder offence. The Environmental Health Authority (Noise Pollution Team) had previously confirmed that no noise complaints had been received other than that of the Applicant. Environmental Enforcement had not submitted representation
- The DPS confirmed that there was security on Friday and Saturday nights part of their responsibility was to patrol outside areas. Additionally, the on duty manager patrolled the premises throughout their shift and glass collectors could report any issues to the on duty manager.
- The DPS confirmed the premises shared a party wall with four apartments and one business, with which there were no issues.

- Pavement Licence Regulations had extended Pavement Licences to September 2023. Following a dispute about ownership of the land on Mortimer Road to the front of the premises, it was confirmed that the DPS applied for a tables and chairs licence having been initially unaware that the land was Council owned. The DPS reported that outside trading had been taking place prior to him assuming the role of DPS. There was an assumption that the land was private property as it was in line with all other boundaries on Mortimer Road.
- The DPS agreed to the following:
 1. To reduce congregating, removal of one of the picnic benches on the 1st floor balcony nearest to 111 Mortimer Road and investigate further measures to prevent customer use of space
 2. Remove one of the picnic benches nearest to 111 Mortimer Road.
 3. Train staff to manage people leaving and entering the premises, management of the outside and noise control.
 4. Restrict licensing hours to 11.30pm every day.
 5. Investigate putting a timer on the salad cooling unit so as not to cause disturbance between 10pm and 8am.
 6. No deliveries and other activity in backyard from 10pm to 8am
 7. Revisit any sound proofing action to be taken once Environmental Protection has measured sound from the Applicant's property and if it is established that there is a statutory noise nuisance.

RESOLVED: The Licensing Sub-Committee, in considering this decision from the information presented to them within the report and at the hearing today and having regard to the promotion of the licensing objectives:

- The prevention of crime and disorder
- Public safety
- Prevention of public nuisance
- The protection of children from harm

The Licensing Sub-Committee after carefully considering the evidence presented to them at the Review by the Applicant and the Designated Premises Supervisor who represented the licenced premises decided **to modify the hours and conditions on the premises licence** to prevent public nuisance, the Sub-committee made the following determination:

Modified hours for licensable activity:

Late Night Refreshment

Monday to Saturday 23:00 - 23:30

Supply of Alcohol

Monday to Saturday 11:00 - 23:30
Sunday 11:00 - 22:30

Opening Hours of the premises

Monday to Saturday 11:00 - 00:00

Sunday 11:00 - 23:00

- Non-standard hours on the premises licence to remain the same.

Modified conditions:

And the following conditions to be added to the premises licence

- Removal of the picnic bench on the 1st floor balcony nearest to 111 Mortimer Road with measures to be put in place to prevent customer use of the resulting space.
- Remove one of the picnic benches nearest to 111 Mortimer Road. with measures to be put in place to prevent customer use of the resulting space.
- Staff to be trained in crowd control techniques, conflict resolution, and noise management.
- All kitchen extraction fans in the backyard shall be switched off between 22:30 and 08:00.
- No deliveries or other activity are permitted in the backyard of the premises between 22:00 to 08:00.

Reasons for the decision

The Licensing Sub-committee took into consideration that there were no representations received from the Responsible Authorities and no representations from other local residents. The Sub-committee took into consideration that there were 22 representations received in support of the premises and against the review.

The Sub-committee considered each point requested by the Applicant and a list of enforceable conditions to be added to the premises licence were agreed by the premises licence holder to maintain the licensing objectives.

The Sub-committee took into consideration the long history of noise complaints experienced by the Applicant and the impact on his day to day life.

The Sub-committee carefully considered the Applicant's representations and his proposals to resolve the issues.

The Sub-committee heard the Applicant's representations about issues with the premises function room, the first floor conversion of balconies and five outside drinking areas. The Sub-committee noted that Applicant had no complaint about how the premises operated inside the premises. The Applicant contended that there was not enough trained staff, and 8 picnic tables were brought in, creating a beer garden that was not there previously. The Applicant made representations that on 25.06.22 there was drunk shouting from the balcony, and the Applicant had concerns about the premises having no tables and chairs licence.

The Sub-committee heard that the Applicant felt the premises licence had been breached by operating beyond their licensed hours, and the furniture had not been removed from the public highway. The Applicant contended that the premises did not have adequate sound proofing and this work could be carried out by the owners of the premises. The Sub-committee heard that the Applicant felt that the 150 year old building was not structurally safe and too many tables were being used outside.

The Sub-committee took into consideration that the Applicant made submissions that when he moved to the area these problems did not exist. The Sub-committee heard that the premises is now used as a party venue and it is not a local pub anymore, and some neighbours moved away during lockdown. The Sub-committee noted that there was a kitchen expansion at the premises. The Sub-committee heard that the Applicant made reports to the Council and no action was taken previously. The Sub-committee heard that the Applicant made representations that they had not experienced staff outside managing the premises. The Sub-committee heard that the Applicant experienced problems with the party rooms, and when events took place the noise can be heard through the wall of his property. The Sub-committee took into consideration that the Applicant lives adjacent to the area where noise could be heard at the premises. The Sub-committee heard that the premises licence holder is not there often to see what occurs, and there was a lack of management of staff at the premises

The Sub-committee took into consideration that there was little evidence of how other residents are affected by the noise coming from the premises.

The Sub-committee took into consideration the representations made by the premises licence holder and that the premises had been operating for a number of years. The premises licence holder demonstrated that they were willing to work with the Environmental Protection Team to establish if there was a statutory nuisance.

The Sub-committee heard representations from the Designated Premises Supervisor made on behalf of the licenced premises. The Sub-committee heard that the Designated Premises Supervisor was experienced, and has held a personal licence since 2006, and that the owner took over the premises in 2010. The Sub-committee heard the premises is a gastro pub and their busiest day is a Sunday. The Sub-committee took into consideration that the function rooms were operating and the premises developed a seating area on the ground floor on the Englefield side, and the premises have received no complaints. The Sub-committee heard that the premises employ security staff on Fridays and Saturdays and they do not take bookings. The Sub-committee heard that noise complaints led to sound proofing previously, and the premises have signs up in the local area. The Sub-committee heard that on Saturdays they can open from 12:00 onwards but they are not open during the day. The Sub-committee took into consideration that deliveries to the premises are made after 08:00, and the premises have no problems with drivers and deliveries.

The Sub-committee took into consideration that the premises offered to build a wall between the premises and the Applicant's property.

The Sub-committee took into account that the premises employ 16 people and the premises work with the De Beauvoir Association and the premises do take an interest in feedback from local residents and customers. The Sub-committee heard that the premises contacted the Council's Environmental Protection team in January 2023 to ask about noise complaints and they were told there were no complaints.

The Sub-committee took into account that the premises tried to have a dialogue with the Applicant to no avail and they tried to work with neighbours. The Sub-committee heard that in 2013/2014 soundproofing work was carried out to the premises: 2 tier plaster boards. The Sub-committee heard that the premises have signage and staff have been trained to deal with noise issues and noisy customers.

The Licensing Sub-committee had sympathy for both the Applicant and the premises licence holder in the circumstances and dealing with noise nuisance in a residential area where it is difficult to assess and control noise levels.

The Licensing Sub-committee hopes that the assessment from the Environmental Protection Team will help determine if there is a statutory nuisance and if necessary for the premises licence holder to carry out soundproofing.

The Sub-committee was satisfied with the measures, and the agreed additional conditions above that will ensure that the premises is run responsibly, and will monitor how the premises is operating. The Sub-Committee hopes that the staff training required will result in a more controlled and reduced levels of noise around the premises every weekend between 17:00 until 19:30, particularly when booked party events on the balcony and first floor room are taking place.

The Sub-committee felt that with modified conditions and hours on the licence, the premises would improve and be run in a manner that complied with the conditions of the premises licence, and would promote the licensing objectives in the future.

Public Informative

1. The premises licence holder is advised to work with the Council's Environmental Protection Team to investigate and assess whether there is a statutory nuisance coming from the 1st floor room in the premises.
2. If the Environmental Protection Team identify a statutory noise nuisance the premises licence holder is advised to carry out adequate sound proofing on the 1st floor room to prevent noise nuisance and noise breakout
3. The premises licence holder is advised to deal with and resolve the noise issues relating to kitchen fans and other refrigeration units in particular the compressor to prevent noise nuisance and noise breakout
4. The premises licence holder is encouraged to engage in meaningful dialogue with the local residents to resolve any issues relating to the premises, and for the premises licence holder to play their part in reducing any impacts of noise emanating from the premises, particularly during the evening and late at night to prevent public nuisance.

8 Temporary Event Notices - Standing Item

- 8.1 There were no Temporary Event Notices for consideration.

Tuesday, 24 January 2023

Close of meeting.

Duration of Meeting: 7:00 - 8.33pm

Chair of Licensing Sub-Committee Hearing - Cllr Gilbert Smyth

Contact for information - Natalie Williams, Senior Governance Officer
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