

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 21 DECEMBER 2011**

COUNCILLORS

PRESENT (Chairman)Derek Levy, George Savva MBE and Glynis Vince

OFFICERS: Mark Galwayne (Principal Licensing Officer), Catriona McFarlane (Legal representative), PC Martyn Fisher (Police Licensing Officer) and Penelope Williams (Electoral and Democratic Services)

Also Attending: Applicants: Neil Isaac (Assistant Director Waste Street Scene and Parks), Hakema Anderson (Senior Business Support Officer), Lee Denny (Event Production Manager – Froboscottle Limited), Oliver Gardner (Security Consultant), Simis Kouttis representing Phidias Kouttis from the Willow.

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WELCOME AND INTRODUCTIONS

The chairman welcomed everyone to the meeting, and explained how the meeting would be conducted.

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DECLARATION OF INTERESTS

Councillor Vince declared a personal interest as she knew Mr Alexander, one of the interested parties objecting to the application for Trent Park.

Councillor Savva declared a personal interest as he knew Mr Kouttis, the applicant for the Willow, temporary event notice.

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TRENT PARK, COCKFOSTERS ROAD, EN4 (REPORT NO. 167)

RECEIVED an application from the Council's Parks Department for a new time limited premises licence for Trent Park, Cockfosters Road, EN4.

NOTED

1. The introduction by Mark Galwayne, Principal Licensing Officer, including:
 - a. This was an application for a New Years Eve time limited premises licence lasting 12 hours from 6pm to 6am the following morning, for Trent Park.

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- b. Trent Park already had an entertainment licence covering an unrestricted number of people.
 - c. This application was only before the Sub-Committee because it concerned more than 500 attendees. Otherwise a Temporary Event Notice would have covered the event, residents can't oppose a Temporary Event Notice and there would have been no hearing.
 - d. No representations had been received from the responsible authorities in respect of any of the 4 licensing objectives.
 - e. There had been representations from the three ward councillors, the Chalk Lane Residents Association and from seven individual local residents.
 - f. All eleven representations remained extant.
2. The objections from interested parties, Donald Alexander, representing the Chalk Lane Area Residents Association and Colin Bull, a resident of Fair Green East, including:
- a. Donald Alexander reported that he had been mandated to oppose this application on behalf of the Chalk Lane Area Residents Association at their recent Annual General Meeting. The AGM attendees were unanimously opposed.
 - b. The objections fell under the two headings of public nuisance and crime and disorder.
 - c. His opinion was that more than 800 people were likely to attend the event. Many would arrive from the East and North West by car and not by public transport, especially if it was cold and wet.
 - d. The application was submitted too late to obtain a traffic order, preventing parking in local streets, as had been obtained on previous occasions to limit parking.
 - e. Local residents would suffer noise nuisance from car drivers and their passengers leaving the event after 2pm. The noise would wake up local residents, particularly if the wind was blowing in the direction of their houses.
 - f. The Council had previously promised to inform residents in writing about any prospective events in the park, but had not done so on this occasion.
 - g. Only a limited area of the park would be lit. Others could come in under cover of darkness and cause trouble.

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- h. Overnight events were unsuitable, leading to uncontrolled behaviour, with the organisers having no legal power of enforcement. The authorities would already be busy, as it was New Year's Eve.
 - i. The promoter had sold the tickets before obtaining the licence.
 - j. He hoped that the Sub Committee would refuse the application, but if not, would accept a licence being granted up to 1am.
 - k. Colin Bull spoke representing at least 15 residents in the surrounding streets.
 - l. The citing of the sound stages on the other side of the reservoir would make it very noisy for local residents.
 - m. He said that not all residents had been made aware that the event was taking place, although some had received letters from the organisers.
 - n. Some of the smaller cul de sac roads could become blocked very easily, preventing emergency access. In some cases the steep incline could mean that gritting lorries would be unable to get through.
 - o. In the past, following the problems associated with the Iranian festival, the Council had assured residents that they would be consulted before any events took place in Trent Park and parking restrictions would be imposed in surrounding streets.
 - p. The noise from the stages would disturb residents. He was sceptical about the assurances made by the organisers. During the summer concerts noise had travelled on the wind.
 - q. London transport would be running a limited service with trains every half hour from 4.30pm.
 - r. The dispersal of people in the early hours of the morning would cause disturbances for local residents, many of whom were elderly.
 - s. He would prefer that the event should finish earlier.
3. Mark Galvayne clarified the following points.
- a. There were no precedents in licensing law, unlike planning.

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- b. Since at least the 1990's Parliament had expressly permitted all alcohol licenced premises to remain open for alcohol and entertainment throughout the night on New Year's Eve. This right was enshrined in law as part of the 2003 Licensing Act and applied to all liquor licences that were converted under that act in 2005.
 - c. There was no provision, under the Licensing Act 2003, for any residents to ever be written to in respect of any licence application. Applications are advertised by way of notices at the applicant premises and in a local newspaper.
4. Responses to questions raised were as follows:
- a. In response to a query from Councillor Vince, problems in the past had involved aggressive behaviour from angry residents and motorists parking across drive ways, in the narrow streets. Events in the past had involved major disputes which had had to be resolved by the police.
 - b. Over 30 people had attended the Chalk Lane Residents Association Annual General Meeting and only one had voted against opposition to the licence.
 - c. The Iranian Festival which had created problems in the past had involved an estimated 5-8,000 people, a few hundred cars and had taken place during the day.
 - d. The promoter was a professional, but had no experience of working in Trent Park, while he had been co-operative and responded to some of the issues raised, Colin Bull felt that he had not answered the objections on noise grounds.
 - e. If the parking spaces were being provided in Trent Park, why should people park in local streets. There were a limited number of spaces available on the hard standing and parking in the woods would not be floodlit. The representatives of the interested parties thought that many people would travel by car, rather than tube.
 - f. The Police had not raised any objections to the application and so would not attend the hearing. The views of the residents that the police would object were not correct.
5. The applicants represented by Neil Issac, Assistant Director Waste, Street Scene and Parks, Hakema Anderson, Senior Business Support Officer with responsibility for overseeing events in parks, Lee Denny, the production manager of the event and Oliver Gardner, Event Security Consultant presented their case as follows:

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- a. The application had been submitted well within deadlines. Before the licence application was submitted, on 1 November 2011, a meeting had been held with officers from the council and representatives from the emergency services to discuss the organisation of the event and any safety issues. Lee Denny had written to all the residents living in the immediate area. All representations had been responded to.
- b. The Iranian festival which had caused most of the problems referred to by the interested parties had had nothing to do with the council and had taken place without permission. The event had happened in April; approximately 5,000 people were said to have attended.
- c. Lee Denny said that he was an professional event organiser with experience of organising similar events. He had been able to provide references from other councils and would be upholding any licensing conditions. Objections could only be made on the basis of crime and disorder or public safety.
- d. He was keen to use the forum of the meeting to allay residents concerns and to come to a mutual agreement.
- e. The timing was critical to the event. It would not work if it could not continue all night.
- f. The numbers attending had been reduced to 720 plus 100 staff and artists. A further ten tickets would be on sale on the night for local passing trade. The event has already sold out so that they already knew exactly how many would turn up and were not under any financial pressures to sell more tickets. If the licence was turned down, the sold tickets would be refunded.
- g. The comparison with the Iranian Association event was unfair as this had been an unorganised event involving large numbers of people. It had not been cleared with the Council.
- h. There was enough parking for 220 vehicles – 60 of these were reserved for artists and crew – 160 for the public attendees. This would be enough for a fifth of the attendees. Twenty tickets had been allocated for local residents.
- i. The noise from music would conform to the Noise Council Code of Conduct guidelines, which was below 40 decibels – the same level as a library in the middle of the day. The noise team at Enfield had seen the plans and did not anticipate any problems. On the night, noise levels would be continually monitored, to ensure that they did not exceed 40 decibels.

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- j. The bar staff had been trained in dealing with drunk people and would not serve anyone who had been drinking too much. The Licensing Act prevents the sale of alcohol to drunks. Contraventions were subject to a £1,000 fine.
- k. The event had not been widely advertised, but targeted at a carefully selected group of people. It was to be a peaceful cultural event. These were not binge drinkers or likely to cause violent disorder.
- l. Oliver Gardner, Security Consultant, said that his was a family company with a wide experience in similar and larger events. His company would not take on any event where there was likely to be trouble. He had worked with Lee Denny before and was confident that there would be no problems. Three meetings would be held during the event to manage all risk factors, just before the start, half way through and at the end. All security officers would be issued with hand held cameras to film any incidents. Security staff were trained to NVQ Level 2 in crowd safety, licensed and had CRB checks.
- m. Under the Licensing Acts, private security officers had the right to refuse entry and to use reasonable force to ask disruptive people to leave. Using common law they could also detain people, while waiting for the police to arrive. Static staff would be located in each of the main areas, with others patrolling the whole area. A robust search procedure would be in force on the entrances. He saw their role as one of crowd management rather than traditional bouncer.
- n. The risk of irresponsible parking was low. A traffic assessment had been conducted and a parking permit scheme set up. All customers had been invited to take up the offer of a free parking permit to guarantee a parking space close to the event. So far 12 people had taken up the offer. This offer was still open and regular emails were being sent to remind people it was still there. The company had also surveyed those attending to event to find out how they intended to travel. Out of the 85 who had responded, 65 were coming by public transport. The tubes would be running every 20-30 minutes through the night. One train had the capacity to hold 960 people more than the total number involved in the event.
- o. Security officers would also be placed along the Cockfosters Road at the end of the evening to forestall any possible trouble.
- p. Forcing people to leave early – before 6am - could lead to problems. However if necessary the bars could be closed slightly earlier and marshals placed at the end of the seven closest roads, between 6 and 23.45pm, to discourage parking and direct people to

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the free parking in Trent Park. This would be done reluctantly as it was not thought that there would be a large number of cars and it would be a huge strain on resources.

6. Responses to questions raised
 - a. The application had been submitted well within the eight week deadline.
 - b. A letter had been distributed to residents in the surrounding roads from the 7 November 2011. A contact number would be provided for any problems during the night.
 - c. It had been agreed that traffic orders were not required as this was a small scale event and parking could be contained within the park.
 - d. There would be a soft ticket check at the main entrance to the park and all bags and large jackets would be checked on entrance to the event. A no re-entry policy would also be in place.
 - e. Experience of previous events suggested that an average of approximately 3 people per car. The majority arrive between 7 and 10pm, people begin to leave around 4.30am but most when the event closes.
 - f. In Licensing Law, unlike planning there is no requirement to consult local residents individually. This had been done voluntarily. Notices were displayed at the entrance to the park and in the local papers.
 - g. Previous events had been held in built up areas including the LeeFest in Bromley attended by 2,500 people, and an event at London Bridge lasting until 6am in the morning. Bromley Council had provided references.
 - h. Parking and traffic had no bearing on the license application only any nuisance arising from it.
 - i. The event had been advertised on social networking sites which did mean that anyone could find it and attend, but only those looking for it.
 - j. The noise levels would be monitored almost continually every 15 minutes. If a complaint is received a noise control officer would be sent to check noise levels.

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- k. Making people leave early would not make things easier. It was in line with licensing guidelines to allow a wind down hour which reduces incidents and is easier to control.
 - l. There was only one pub in the area the Cock and Dragon which was thought to generally open until 1am on New Years Eve.
7. Mark Galvayne summed up as follows:
- a. This was only an application for a time limited licence for a one off 12 hour period.
 - b. Parliament had made special dispensations for licences at New Year which had been enshrined in the Licensing Act 2003.
 - c. If the event had been for 499 people, no hearing would have been necessary. The issue under discussion concerned the additional 221 extra people.
 - d. Licensing committees must take such steps as were necessary to promote licensing activities.
8. The Interested Parties summed up as follows:
- a. Donald Alexander said that he did not doubt the integrity and good intentions of the applicant, but felt that people attending such an event could not help being noisy.
 - b. If the weather was bad people would be tempted to come by car. Parking in the woods would not be attractive.
 - c. Residents had not been consulted by the Council. Mark Galvayne advised that this was not a requirement under the Licensing Act.
 - d. Colin Bull said that he felt if the council had consulted more, the application could have been managed better. Some local residents had not been informed about the event until 23 November 2011 and did not receive local papers.
 - e. Residents who were unhappy about the Licensing Act had the option of writing to their MPs.
 - f. Providing marshals at the top of Fair Green East, Bournwell Close would help.
 - g. Colin Bull did not feel that the noise mitigation proposals were satisfactory.

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8. The summing up from the applicant, Lee Denny as follows:
- a. Lee Denny thanked everyone for the hearing and hoped that a satisfactory conclusion could be found for all.
 - b. The noise plan was rigid, based on the science.
 - c. He felt that there was a very low risk of traffic problems arising. A traffic management plan had been produced and extra steps would be taken, if the weather was bad.
 - d. The security risk from anti social behaviour was low.
 - e. All the authorities were happy with the proposals.
 - f. He was passionate about working with all the interested parties to resolve the situation.
 - g. The site had been carefully chosen to minimise disruption to local residents, because of the lye of the land and the links to public transport.
 - h. If necessary he would be willing to close the bar earlier, and to arrange for marshals to be at Cockfosters Station at the close of the event and, if absolutely necessary, parking marshals in Bournewell Close and Fair Green East between 6 and 11.45pm.

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 involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Section 12A to the Act.

The Panel retired, with the legal representative and administrator, to consider the application further and then the meeting reconvened in public.

- (2) The Chairman made the following statement:

“The Licensing Sub-Committee has considered all the verbal and written evidence presented and has decided to grant the application in full, but as amended during the hearing.

That is to say the applicant agreed to provide additional stewarding at Fairgreen East and Bournewell Close to prevent on-street parking between 18:00 and 23:45.

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Therefore we are of the view that the applicant has reinforced a case already robustly made, demonstrating all necessary mitigation measures to promote the licensing objectives.

We listened attentively to the oral views of those residents who attended the hearing, and took note of their concerns.

However, we believe that on balance the applicant has, through a whole series of plans (e.g. noise, traffic) and other operational measures to assert control of this time-limited event, sufficiently persuaded us to grant the application in full.”

- (3) The Licensing Sub-Committee agreed that the application be granted in full as follows, subject to the amendment agreed at the hearing

(i) Hours the premises are open to the public: From 18:00 on News Years Eve to 06:00 on New Years Day.

(ii) Supply of alcohol (on supplies only): From 18:00 on News Years Eve to 05:00 on New Years Day.

(iii) Plays, Films, Live music, Recorded music, Performance of dance & Facilities for dancing: From 18:00 on News Years Eve to 06:00 on New Years Day.

(iv) Late night refreshment: From 23:00 on News Years Eve to 05:00 on New Years Day.

Conditions (in accordance with Annex 06 to the LSC Report):

Conditions 1 to 7, which are not disputed.

In addition the following was agreed at the hearing: Applicant to provide additional stewarding at Fairgreen East and Bournewell Close to prevent on-street parking between 18:00 and 23:45.

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MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 23 November 2011 were confirmed as a correct record.

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TEMPORARY EVENT NOTICE: WILLOW - 235 WINCHMORE HILL ROAD, N21

RECEIVED a report from the principal licensing officer regarding an application for a Temporary Event Notice.

NOTED

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1. The introduction by Mark Galvayne, Principal Licensing Officer, including:
 - a. This was an application for a temporary event notice from Mr Phidias Kouttis, for an event between 11pm on Monday 26 December 2011 and 3am on Tuesday 27 December 2011. The event would include the sale of alcohol, regulated entertainment and late night refreshment for 400 persons.
 - b. The Police have objected to the application on the grounds that it would undermine the crime prevention objective.
 - c. Members were able to either grant or refuse the temporary event notice. They cannot make any amendments themselves but they could rule on an amended application if the applicant wished to make any changes.
2. The objections from Police Constable Fisher including:
 - a. Concern that granting the temporary event notice would result in noise nuisance.
 - b. Mr Kouttis had said that this would be a low key event, a Christmas party with live jazz for a maximum of 400 people. There would be no disco or DJ. Despite this, PC Fisher felt that allowing the temporary event notice would result in noise nuisance for the people living near the Willow.
 - c. Eleven previous temporary event notices had been given without objection.
3. Responses to questions raised including:
 - a. The Police had been advised that the music would be of a background nature, but there had been a history of excessive noise breakout at previous events.
 - b. The Out of Hours' Team had no confidence that the noise would be kept at an appropriate level.
 - c. Mr Simis Kouttis, the applicant's son, who was at the hearing, said that only 100 people were expected to attend the event and that the police had no evidence that granting the notice would result in crime and disorder.

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- d. Crime and disorder had occurred recently on two previous occasions and a noise abatement notice issued. Simis Kouttis said that these were subject to appeal and were being contested.
 - e. Following the breach, a noise calibrating expert had been employed to check the noise levels and to recalibrate the equipment, which would limit the noise in future.
 - f. Breaching a Noise Abatement Notice was a crime.
4. Simis Kouttis, attending the hearing on behalf of the applicant spoke in support of the application:
- a. He expressed his confidence that the noise would be controlled on this occasion. The proposed event was private, would take place downstairs and was being organised by a specific group of people.
 - b. There was no suggestion that holding the event would result in any other type of criminal activity.
 - c. A sound management plan had been produced as a condition of the lease and sound proofing installed.
5. Responses to questions raised
- a. Despite the information contained in the letter on page 25 of the report, Simis Kouttis, maintained that the sound limiter had not been disconnected.
 - b. Despite previous breaches, the applicant had been given the benefit of the doubt on other occasions, but had been strongly urged to use the noise limiter in a conciliatory letter from Sue McDaid, Head of Regulatory Services. The applicant had not taken up her offer to discuss the noise issues.
 - c. Simis Kouttis said that, with hindsight, he should have taken up the offer and was very willing to work with the local authority to resolve noise issues.
 - d. A second offence had been committed, less than ten days after a previous noise offence.
 - e. Audibility was judged by qualified officers who take a considered opinion as to whether or not the noise heard was sufficient to prevent sleep.
 - f. The applicant had employed a sound acoustic expert and carried out a great deal of work to limit the noise break out. In hindsight he admitted

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that should have been more vigilant and made more effort to ensure that future breaches did not occur, but he had relied on the technical equipment to limit the sound.

- g. The applicant offered to use an Ipod instead of the regulated entertainment, to scale back the time of the event to 1am and to reduce the numbers attending to 200.
6. The closing statement of the Principal Licensing Officer including:
 - a. The application was amended to a temporary event notice for 200 people, up until 1am on 27 December 2011.
 - b. Members were asked to decide whether or not it was necessary to issue a counter notice.

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 involved the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Section 12A to the Act.

The Panel retired, with the legal representative and administrator, to consider the application further and then the meeting reconvened in public.

- (2) The Chairman made the following statement:

The Licensing Sub Committee has listened to the verbal submission from Mr Simis Kouttis on behalf of his father Mr Phidias Kouttis in respect of an application for a Temporary Event Notice for 26 to 27 December 2011.

After careful consideration of the objections raised by the Metropolitan Police Service and the cross questions from the sub committee to Mr Simis Kouttis in particular respect of historic and recent noise breakout and nuisance, the committee had deemed it necessary for the promotion of the crime prevention licensing objective to issue Mr Phidias Kouttis with a counter notice.

We were particularly concerned by the fact that another statutory noise nuisance had been witnessed in the early hours of the 10 December 2011, this being just two weeks after a statutory noise nuisance was also witnessed under the Temporary Event Notice applicable on 26/27 November 2011.

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That nuisance had occasioned a Noise Abatement Notice (issued 1 December 2011) therefore the second and most recent occurrence on 10 December was compromised, denoting a contravention of the Noise Abatement Notice, a criminal offence under Section 80 of the Environmental Protection Act 1990.

Given the long history of noise related issues, the conciliatory tone of the letter from Ms Sue McDaid (Head of Regulatory Services) also on 1 December 2011, and the various advices given to the premises license holder, we take such a breach of the Noise Abatement Notice extremely seriously, and so cannot be satisfied that the situation would not recur if this Temporary Event Notice was granted.

- (3) The Licensing Sub Committee agreed that it is necessary for the promotion of the crime prevention licensing objective, to give Mr Kouttis a counter notice.