

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I Charlotte Palmer, Licensing Enforcement Officer

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Willow Public House

Postal address of premises or, if none, ordnance survey map reference or description

235 Winchmore Hill Road

Post town

London

Post code (if known)

N21 1QA

Name of premises licence holder or club holding club premises certificate (if known)

Premises Licence Holder - Mr Phidias Kouttis and Mr Simis Kouttis

Number of premises licence or club premises certificate (if known)

LN/200501025

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Enforcement Officer Enfield Trading Standards London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm



Please state the ground(s) for review: (please read guidance note 1)

Enfield Trading Standards is seeking a review of this premises licence on the grounds that the premises layout is substantially different to the plan attached to the licence. Following a refurbishment at the premises a new licence with new plans was applied for and granted but despite advice being given to the premises licence holder / DPS the original licence has still not been surrendered. The premises licence holder has been paying the annual fee for two licences unnecessarily. Due to the new layout the original licence can no longer legally be used.

This review is based on the prevention of crime and disorder licensing objective.

This review application is to revoke this premises licence. Trading Standards are also reviewing the new premises licence with a view to reducing licensed hours and removing live music and facilities for making music from the licence.

Background Information:

Please provide as much information as possible to support the application
(please read guidance note 2)

The licence for this premises was converted into a premises licence in 2005. The licence was transferred to the current licence holder on 21/02/07 at which time the DPS was also varied.

The premises was refurbished under the new ownership and as the licensed area had increased a new premises licence had to be applied for. This was granted on 21/05/08. The premises reopened in January 2009. The new licence was varied on 21/05/08 to add live music Sunday – Thursday, to extend live music Friday –

Saturday and to extend the hours recorded music was permitted. The application was also to remove several conditions and to allow children into the ground floor of the premises.

Conclusion:

This premises licence cannot legally be used as the plans are incorrect. A new licence showing the correct plans has already been issued and this licence is therefore of no value.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
Reasons for Revocation (delete as necessary): This premises licence cannot legally be used	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature

Palmer

Date 17th June 2010

Capacity Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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Name of premises licence holder or club holding club premises certificate (if known)

Premises Licence Holder - Mr Phidias Kouttis and Mr Simis Kouttis

Number of premises licence or club premises certificate (if known)

LN/200800171

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I am

Please tick yes

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Please tick

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I am 18 years old or over

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address if
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Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Enforcement Officer Enfield Trading Standards London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm



Please state the ground(s) for review: (please read guidance note 1)

Enfield Trading Standards is seeking a review of the premises licence on the grounds that the premises has breached licence conditions designed to prevent noise from the premises disturbing local residents. The premises has also been the cause of numerous complaints from local residents.

This review is based on the prevention of public nuisance licensing objective.

The review application is to remove live music and facilities for making music from the licence and to reduce the licensed hours as follows:

Table 1:

Activity	Current Times	TS Applied for Times
Opening Hours	09:00 - 23:30 Sun - Thurs 09:00 - 00:30 Fri - Sat	09:00 - 23:30 everyday
Alcohol	10:00 - 23:00 Sun - Thurs 10:00 - 00:00 Fri - Sat	10:00 - 23:00 everyday
Live Music	09:00 - 23:00 Sun - Thurs 09:00 - 00:00 Fri - Sat	Remove
Recorded Music	09:00 - 23:00 Sun - Thurs 09:00 - 00:00 Fri - Sat	09:00 - 23:00 everyday
Performance of Dance	09:00 - 23:00 everyday	No Change
Facilities for Making Music	09:00 - 23:30 Fri - Sat	Remove
Facilities for Dancing	09:00 - 23:00 everyday	No Change
LNR	Nil	No Change

Background Information:

This Premises Licence was granted in on 21/05/08 and after a refurbishment the premises opened in January 2009. The licence was varied on 21/05/08 to add live music Sunday to Thursday, to extend live music Friday and Saturday and to extend the hours recorded music was permitted. The application was also to remove several conditions and to allow children into the ground floor of the premises.

Please provide as much information as possible to support the application
(please read guidance note 2)

History Since Licence Was Last Varied:

28.02.10 (Sunday) – Police Report - Information that a doorman at the premises is letting underage teenagers into the venue via the back door.

12.03.10 (Friday) - Phoned DPS and advised of the complaint. He does not believe it is true as they have an over 25's policy. Sent age related sales training pack.

26.04.10 (Sunday night/Monday morning) – Police Report 00:00 - ABH. Male victim punched in the face by a known male suspect whilst in the smoking area of venue.

23.05.10 (Sunday) – 21:35 - The Out of Hours Noise Team received a complaint relating to loud music coming from the premises. 22:55 – Officer visited premises and parked outside - no noise audible at this time.

24.05.10 (Monday) – Complaint email received by the Licensing Enforcement Team in relation to the event on 23.05.10. The email was sent at 20:10 on Sunday evening and the complainant claimed that from their house they could hear a singer using a microphone, and talking to customers. The complainant claims they could hear what was being said / sung even when they closed their windows. The complainant also claimed that after the premises had closed, customers are outside, drunk, rowdy, revving engines and pressing the horns in their cars for at least an hour and stated that customer have been seen urinating in residents gardens.

26.05.10 (Wednesday) – A Licensing Enforcement Officer phoned the premises and spoke to the Premises Licence Holder, Mr Phidias Kouttis. He was advised that a complaint had been received in relation to loud music, people noise, tooting horns and revving engines. He said that they'd held a charity event on Sunday and it may have been louder than usual. The Officer advised that observations of the premises would be carried out.

29.05.10 (Saturday) – The Out of Hours Licensing Enforcement Team carried out observations of the premises at 23:55. They parked on Winchmore Hill Road opposite the premises car park entrance. Music was clearly audible with the car windows open - bass and some melody. The bass was still audible with the car windows closed and over traffic noise. Officers noted that there was lots of noise from customers standing outside the premises. Women could be heard laughing, talking and occasionally screaming even with the car windows closed and traffic noise present. At 00.00 one of the officers walked up Winchmore Hill Road to see how far the noise travelled. Music was still audible with the car windows closed - singing Gypsy Kings. At 00.02 the music went off and lots of cheering was audible. The other Officer returned to the car and noted that he had been able to hear the music outside number 236 Winchmore Hill Road which was approximately 100 m away from the premises. At this time the people noise became even louder, loud

laughter in particular (car windows still closed). 00.07 - Noise from customers leaving at front – shouting with no sign of any staff in the vicinity, although Officers did not have a clear view of front entrance. **Officers were of the opinion that Condition 21 was not being met** - sound should not have been audible at residential premises. 00.10 – Officer decided to enter the premises and while doing so noticed a woman trying to drive out of the car park. This woman crashed into the post for the chain to close the car park and the post was stuck under rear wheel arch. Officers suspected that she had been drinking as she was unaware that she had hit anything until they told her what had happened. At 00:15 a male was seen trying to drive away who the Officer also believed to be drunk as alcohol could be smelt on his breath from 3 or 4 feet away and he had been seen having difficulty standing unaided. The Officers told the DPS, Mr Simis Kouttis, what they had seen and he had a word with him and got him to park his car up and go inside to call a taxi. The Officers spoke to Mr Simis Kouttis about the noise issues they had witnessed and when they asked to see the sound check sheet, he went to the office and came back with a folder which contained sound check sheets some of which had already been completed for future dates in June. No sound checks were available for that evening (**breach of Condition 12**). Mr Simis Kouttis claimed to have given this responsibly to the door men and that he was unaware that they had done this. **The Officer issued a notice of alleged offence in relation to the breaches of Conditions 12 and 21** which Mr Simis Kouttis signed and was given a copy. At 00.30 the Officers advised Mr Simis Kouttis to ensure sound checks are carried out properly in future, not pre-dated or post-dated, and advised that he may be invited in for PACE interview in relation to these Offences. The Officers left the premises at 00.45.

30.05.10 (Sunday) – Out of Hours Noise Team received a complaint in relation to loud music and people noise in the street. Officers visited the premises at 23:40 and noted that music was quite loud outside the premises. The Officers visited the complainant but at this time music could not be heard in their premises. However they could hear voices and some screams from the people on the street. As the Officer left, he noted that there were approximately ten people in the outside area at the rear of the property, all laughing and being loud. The Officers returned to the premises at 00:30 following a further complaint and music could be heard approximately 75 m down the street. The Officers entered the premises and were advised that it was a private party for the owner's son who had just got engaged. Officer noted that the music was very loud inside the premises and advised the owner to reduce the level of the music. The owner stated that the music was just about to finish. The Officers left the premises and the music had stopped by the time they got to their car. **This was a breach of the licensable hours as live/recorded music should have finished by midnight on the Sunday preceding the Bank Holiday Monday.** (It is for the premises licence holder to prove that the event was private and that the licence was not being used at this time).

03.06.10 (Thursday) – 23:20 - The Out of Hours Noise Team carried out observations of the premises at 23:20. They drove into the car park area, two cars parked, no music audible with car windows open or closed. Premises appeared very quiet, no people outside in smoking area. Drove out of car park and past front of premises - only one group of 4-5 people seen sitting at a table near the front doors.

04.06.10 (Friday) - The Out of Hours Licensing Enforcement Team (2 different Officers from last time) carried out observations of the premises at 23:40. They parked in the premises car park directly opposite the back door. A door supervisor was seen sitting next to the closed door. Twelve people were standing outside smoking and five people were seen sitting down under the covered area (**breach of condition 20**). Music was audible - drums, singer using microphone singing 'Poker Face' by Lady Gaga. 23:45 - people outside talking at low level. Song finished, brief cheer from couple of people heard. The Officers both left the car to see how far

away music was audible. One officer walked on either side of Winchmore Hill Road and stopped outside number 6 Winchmore Villas. The other officer stopped outside number 230 Winchmore Hill Road. This was at least 100 metres away from the premises and **a clear breach of condition 21 was witnessed, namely that noise from the premises could be heard at this position.** The Officers walked back towards the premises and onto Houndsden Road at which point the song ended. The Officers walked onto Eversley Road at 23:55 but as the music seemed to have stopped, they turned round and walked back past the premises. As the Officers walked back past the side of the premises, music was audible but appeared to at a lower level. A singer could be seen through the window and people were dancing. **As people were dancing, the premises were providing facilities for dancing, which was a breach of the licensable hours, as that last time for facilities for dancing on a Friday is 23:00.** The singer could be heard thanking everyone and announcing that this was the last song. The Officers returned to their vehicle and completed a notice of alleged offence. While in the car they saw the DPS come outside and look around very briefly. They left the car and approached the door supervisor on the rear door, introduced themselves and asked to speak to the DPS. The Officers entered the premises at 00:05. The band which was located in the conservatory area was packing up. There were speakers in the raised area but they were just outside of the conservatory boundary. The Officers spoke to the DPS and explained that they had carried out a check and that they had been able to hear the music some distance away. The Officers asked to see the sound checks for that evening and these were provided. The sound checks for that evening were noted as taking place at 21:30, 22:05, 23:00, 24:00. Once these had been seen the Officers, Mr Simis Kouttis and the member of staff who had been doing the checks that evening went outside so that Mr Simis Kouttis could show the Officers where they carried out their sound checks. It was claimed that these were carried out on the other side of the Winchmore Hill Road opposite the carpark and also at the entrance to the car park. Mr Simis Kouttis claimed that they could not hear the music at these locations. The other member of staff said that he had stood by the entrance to the car park and had just been able to hear it but had did not reduce the music. The Officers told Mr Simis Kouttis where they had been able to hear the music and that the sound checks they were carrying out were not at all effective. Mr Simis Kouttis and his staff were advised that the music must be inaudible at the boundary to neighbouring properties and that they had therefore witnessed a breach of condition 21. Mr Simis Kouttis signed and was given a copy of the notice of alleged offence. The Officers left the premises at approximately 00:30.

05.06.10 (Saturday) – The Out of Hours Noise Team carried out observations at 01:35 - premises closed by the time they were able to visit.

06.06.10 (Sunday) – The Out of Hours Noise Team received a complaint about loud music and fighting coming from the premises at 00:23. Officers unable to visit.

08.06.10 (Tuesday) – Information received from another resident alleging that the premises is installing a large TV in the garden area. Informant concerned about the noise/disruption this will cause to local residents. Advised that TV issue is not a breach of the licence but could lead to noise issues and lead to review to add conditions restricting the use of the garden.

11.06.10 (Friday) - The Out of Hours Licensing Enforcement Team carried out observations of the premises at 21:30. Music was not audible but loud talking and laughter was clearly audible from patrons in the outside seating area at the rear of the premises. No ASB witnessed but laughter and cheering evident. Large television located in outside seating area playing world cup football on TV. Noise from TV was not audible. Windows/doors shut. Door supervisor standing at the entrance to car park telling drivers that they couldn't come into the car park as it was full. One of the

Officers walked over to the premises to see if a band was inside – spoke to door supervisor who advised that a live band was playing. Whilst in car park the Officer could just hear the music when there was no road traffic but could not hear it when a car/bus went by. The Officer believed that the music was much lower than it had been during the last time this particular officer visited on 29.05.10. There were no speakers outside. The Officer was advised that the band consisted of drums, 1 bass guitar, 1 acoustic guitar and a keyboard. The door supervisor advised the Officers that Mr Simis Kouttis was not working that night but that another employee was on site checking noise levels - he was seen to come out into the car park and check noise levels throughout. The Officer introduced himself to this man and he said he was taking noise assessments throughout the evening and he knew noise must not be too loud. The Officers left the premises at 21:50.

17.06.10 – (Thursday) The Licensing Enforcement Team received a complaint from another resident in relation to anti social behaviour outside the premises on Saturday evening (12th June) The complaint alleged that they and see a female leave the premises screaming, shouting, swearing and falling about apparently drunk. The complainant also raised concerns as to the television that had been installed in the garden area.

Additional Information:

These premises have been the source of many complaints from local residents since the licence was first issued. Despite numerous phone calls, letters and advice visits the premises still continues to cause a disturbance to local residents. The LBE have received six complaints about the premises between 23rd May 2010 and 17th June 2010. To summarise, LBE officers have witnessed noise issues on three occasions, and established six breaches of conditions or licensing hours over a three week period.

Full details of previous intervention by the Licensing Enforcement Team can be seen in Appendices 1 to 4, which are the Trading Standards representation following the previous variation application along with previous complaints, observations and correspondence following a meeting with the premises and residents.

Also attached as Appendix 5 is a map showing the premises and the houses outside which Officers could hear the music. Appendix 6a/b are 3 photos also showing these locations to show how far away the music could be heard.

Conclusion:

The Licensing Enforcement Team has devoted a great deal of time and effort into trying to help this premises operate without having a negative affect on residents. Despite this, complaints continue to be received and observations have shown that the procedures in place at the premises to avoid noise issues are not effective. The falsified sound check sheets suggest that sound checks are not taken seriously and Trading Standards has lost confidence in the management of the premises.

Given the repeated number of complaints relating to the same issues and given the close proximity to a large number of residents Trading Standards no longer believes that this venue is suitable for live music or as a late night venue, and therefore request **that live music and facilities for making music be removed from the licence and that the licensed hours be reduced (as per the Table 1 above).**

Trading Standards also believes that the existing licence conditions could be strengthened to support the prevention of public nuisance licensing objective.

Trading Standards therefore recommend that the following alterations / additions also be made to the premises licence conditions:

*** PLEASE REFER TO ANNEX 07 ***

The posters, training material, training records and refusals book are all available from Trading Standards.

Trading Standards reserve the right to give evidence on any further incidents relating to breaches of the licensing objectives which may take place at, or in the vicinity of the premises, between the submission of this representation and the hearing or during the time allowed for any appeal proceedings. Additionally, Trading Standards reserve the right to present details of the outcome of any Court hearings between the submission of this representation and the hearing.

Suspension of Licence:	N
Revocation of Licence:	N
Recommended period of suspension (max 3 months):	
Reasons for Suspension/Revocation (delete as necessary):	

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
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Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 17th June 2010

Capacity Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

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TRADING STANDARDS REPRESENTATION

Name and address of premises: Willow Public House
235 Winchmore Hill Road
London
N21 1QA

Worksheet number: WK/209136344

Type of Application: Variation

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

Background History:

This is a variation application to add live music to the licence from 09:00 – 23:00 Sunday – Thursday and to extend the time it is already permitted on Friday – Saturday by 30 minutes making the permitted hours 09:00 – 00:00. The application is also to extend the hours recorded music is permitted by 1 hour on Friday – Saturday making the permitted hours 09:00 – 00:00 (in line with the closing time of the premises).

The applicant does not propose any alterations to the alcohol or opening times. The premises is not licensed for late night refreshment so no hot food or hot drink can be supplied after 23:00 hours.

The application is also to remove several conditions and to allow children into the ground floor of the premises.

The licence for this premises was granted on 21/05/08 and after a refurbishment the premises opened in January 2009. There have been a significant number of complaints received about this premises relating to loud music, people noise, unlicensed activities and breach of conditions. People noise from those entering, leaving or smoking outside the premises has been the most common complaint.

A list of complaints received about the premises since it opened is attached as Appendix 1 and a list of observations carried out at the premises is attached as Appendix 2. Following a residents meeting at the premises in September 2009 Appendix 3 was sent to the premises detailing the issues raised and recommending how they could be dealt with.

Prevention of Nuisance:

The premises is located in a residential area at the junction with Winchmore Hill Road, Church Hill, Eversley Park Road and Houndsden Road. There are no other commercial premises in the immediate vicinity.

Property Index number: «UKEY»

In summary I wish to make representation regarding the following Licensing Objectives:

- Prevention of public nuisance
- Protection of children from harm

The requested hours for music all cease 30 minutes before closing time. I believe that this 30 minute gap between the provision of music and closing time is sufficient to act as a wind down period to quieten down customers before they leave the premises. I therefore do not object to the increase in hours for live or recorded music.

Day	Live music		Recorded Music		Opening Hours
	Current Hours	Requested hours	Current Hours	Requested hours	Current Hours
Sun	-	09:00 – 23:00	09:00 – 23:00	09:00 – 23:00	09:00 – 23:30
Mon	-	09:00 – 23:00	09:00 – 23:00	09:00 – 23:00	09:00 – 23:30
Tues	-	09:00 – 23:00	09:00 – 23:00	09:00 – 23:00	09:00 – 23:30
Wed	-	09:00 – 23:00	09:00 – 23:00	09:00 – 23:00	09:00 – 23:30
Thurs	-	09:00 – 23:00	09:00 – 23:00	09:00 – 23:00	09:00 – 23:30
Fri	09:00 – 23:30	09:00 – 00:00	09:00 – 23:00	09:00 – 00:00	09:00 – 00:30
Sat	09:00 – 23:30	09:00 – 00:00	09:00 – 23:00	09:00 – 00:00	09:00 – 00:30

Listed below are the conditions that the applicant wants to remove from the licence:

15. Noise or vibration shall not emanate from the premises so as to cause a nuisance to resident of nearby properties.

Trading Standards agree to the remove of this condition as it repeats existing legislation (Environmental Protection Act 1990)

16. There shall be no amplified music or other amplified sound in the ground floor conservatory.

Trading Standards agree that the wording of this condition is ambiguous and are happy for it to be amended. See table below for recommended condition.

19. The proposed first floor roof terrace shall not be used for any purpose beyond 23:00.

Trading Standards agree to the removal of this condition as the roof terrace was not built.

24. Children aged 12 and above shall be permitted on the ground floor if accompanied by an adult for the consumption of a meal prior to 18:00 and children aged 15 and above may, when accompanied by a an adult, be also permitted on the ground floor until 21:00 for the consumption of a meal.

The applicant wants to amend this conditions to 'Children under 18 shall be permitted on the ground floor if accompanied by an adult prior to 21:00'.

Trading Standards do not agree to the wording of this condition. See table below for recommended alterative conditions.

26. There shall be no admission or re-admission (except from the garden) after 23:00.

Trading Standards do not agree to the removal of this condition but are happy for it to be amended to allow access to the bar by those coming from the upstairs restaurant. See table below for recommended condition.

If this application were granted in full or part, I would recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition / in place of the proposed conditions in Annex 2 as indicated.

	Proposed Mandatory Conditions – Annex 2	TS Agree	Amended to Read
7	The 'Think 21' proof-of-age scheme shall be operated at the premises.	N	The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences and ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
12	The general use of the beer garden shall be closed at 23:00 apart from a section that shall then be designated for the use of smokers from 23:00 until closing time. There shall be no more than 20 persons using this designated smoking area. Parts of the external areas shall still be useable for access and exit. Notices shall be displayed in the area requiring patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be permitted to be taken into this designated smoking area during this time.	N	Amend to two separate conditions: The beer garden shall not be used after 23:00 except for access / egress to the premises and by those using the designated smoking area. An external area shall be designated for the use of smokers from 23:00 hours until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance. 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. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.
15	A noise-limiting device should be installed to any amplification equipment in the use of the premises. The device should be set up to interrupt the electrical supply to any amplifier should the sound be audible at the boundary of any neighbouring property.	N	A noise-limiting device shall be installed to any amplification equipment in use at the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the sound of music be audible at the boundary of any neighbouring property.
17	Signs shall be conspicuously displayed at all exits to the premises and the car park requesting patrons to consider local residents and leave the premises and the area quietly.	N	Prominent, clear and legible notices shall be displayed at all public exits from the premises and the car park requesting customers respect the needs of local residents and leave the premises and area quietly.
20	The premises shall close 30 minutes after the last permitted sale of alcohol.	N	Remove – opening hours are already specified on the licence.
21	Children under 18 shall be permitted on the ground floor if accompanied by an adult prior to 21:00.	N	Three separate conditions: Children aged under 15 years shall only be permitted on the ground floor of the premises up until 19:00 and if they are accompanied by an adult. Children aged 15 years and over shall only be permitted on the ground floor of the premises up until 21:00 and if they are accompanied by an adult. Children under 18 shall be permitted in

			the first floor restaurant.
	Additional Conditions to be Added in Annex 3	Applicant Agree	
	All those providing regulated entertainment at the premises shall be briefed prior to events taking place with regard to the premises licence conditions and the use of the sound limiter. They must sign a booking form confirming they have been informed of and understood the terms of use.		
	A record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.		
	All staff involved in the sale of alcohol shall receive induction and refresher training (at least every three months) relating to the sale of alcohol.		
	All training relating to the sale of alcohol shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.		
	There shall be no admission or re-admission to the premises after 23:00 except by those who have been outside using the smoking area. Customers coming directly from the upstairs restaurant shall also be permitted to enter the ground floor area after 23:00.		
	No speakers shall be positioned in the ground floor conservatory area.		

If these conditions were accepted in full I WOULD withdraw my representation.

Officer: Charlotte Palmer

Tel: 0208 379 3965

Signature: 

Date: 27.01.10

Duly Authorised: Ellie Green, Principal Trading Standards Officer – Licensing Enforcement

Signed: 

Date: 8/2/2010

TS Annex 1

Willow complaints since the beginning of 2009

18/02/09 – Complaint received by planning enforcement regarding licensing hours, live music and noise from customers leaving premises.

23/02/09 - Allegations of noise from premises and outside premises. shouting and laughing in the garden area well after 23:00, loud music, shouting and laughing when customers leaving and when staff leaving - laughing and calling to each other and bibbing their car horns, revving the engine of a sports car.

07/03/09 – Out of Hours Noise Team received a complaint. Loud Music - **visited area 22:30 to 22:40. Music audible on the opposite side of the road - main break out possibly via the conservatory.**

09/03/09 – Noise complaints re loud music, people also standing outside smoking and talking and not doing this in the designated smoking area at the back.

01/06/09 – noise complaint received relating to the early hours of Sunday morning. 00:00 – allegedly 20 people sitting drinking in the beer garden, live band playing which was very loud.

02/06/09 – Complaint regarding number of people using the rear garden - exceeding limits and causing noise disturbance.

19/06/09 – Complaint re cooking smells from restaurant, Illegal car parking, smoke / odours from flue, late night noise outside pub by patrons.

19/06/09 - Complaint re noise outside when TEN's in place

23/06/09 – Complaint re loud music and people noise. Allegation that live music provided on other days not just Friday and Saturday.

26/06/09 – Complaint re noise issues mainly on Friday and Saturday evenings. Issues surround use of the beer garden and noise at closing time in the car park.

Examples given:

20/02/09 – very loud music, people shouting and laughing in garden area after 23:00. 00:20 lots of shouting, 01:00 – staff leaving noisily, 02:45 – revving of car engine.

28/03/09 - group of young women were waiting in the car park for 30 minutes, well after midnight, very noisy, laughing and shouting.

04/04/09 - noisy departures at 00.20. Staff noisy when they left at 1am, bipping car horns and using car stereos.

01/05/09 - between midnight and 00.45 there was a lot of noise of departing customers.

02/05/09 - 30 minutes past midnight 2 men arguing very loudly, shouting in the car park.

08 05 09 - very noisy in the garden. At 00:30 bottles were thrown into the bottle bank , 00.40 car revving loudly in the car park. Noise of staff leaving (laughing, calling to each other) continued up to 02:00.

29/06/09 – Noise complaint received relating to regular loud music and noisy parties.

17/07/09 - Complaint re cooking smells from restaurant, parking issues and shouting in the street.

23/07/09 – Complaint re slamming of car doors, cabs honking their horns - mostly on Fri an Sat between 1 and 2am.

10/08/09 - Allegation that premises is open beyond licensed hours - up to 01:30 - 02:30 hours. Also noise from those outside and those leaving.

11/08/09 – Complaint re continued noise issues at premises

Examples given:

30/05/09 – live band playing very loudly until 01:00. 20 people chatting and drinking in pub garden at midnight.

13/06/09 – very noisy in car park and garden until 02:00.

14/06/09 – staff noisy when leaving, smashing bottles at around midnight.

19/06/09 –noisy in garden and car park

20/06/09 - noisy in car park with people leaving from 01.30 and at about 02:00 there was a lot of shouting and swearing

23/06/09 – music loud during afternoon

24/06/09 - music loud during afternoon

17/08/09 - Allegations of noisy customers in the street.

12/09/09 – 23:52 – Compliant regarding loud music, doorman still letting people, number of people smoking outside, people spilling outside, cars parked illegally.

16/11/09 – Letter of complaint via MP regarding customers speeding away from premise sin cars, allegations of drink driving, excessive parking in nearby streets and lack of road markings.

25/12/09 – 02:00 – Complaint regarding loud music, people on street, cars parked with people inside (Officer unable to get further information as complainant did not return their call – not witnessed)

20/01/09 – Police report – allegations received that a male regularly attends the premises and supplies drugs in the toilets.

TS Annex 2

Willow complaints since the beginning of 2009

18/02/09 – Complaint received by planning enforcement regarding licensing hours, live music and noise from customers leaving premises.

23/02/09 - Allegations of noise from premises and outside premises. shouting and laughing in the garden area well after 23:00, loud music, shouting and laughing when customers leaving and when staff leaving - laughing and calling to each other and bibbing their car horns, revving the engine of a sports car.

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20/01/09 – Police report – allegations received that a male regularly attends the premises and supplies drugs in the toilets.

Willow Observations 1st January 2009 – 10th December 2009

Worksheet No.	Date	Details
WK/208107533	25 January 2009	Observations: Officer arrived at premises at 00:30. Group of people standing outside, no noise nuisance. Staff clearing up, no main lights on. No loud music. Large number of people started leaving in groups. No shouting or loud talking. People dispersed quickly and those who appeared to be waiting for cabs were quiet. Group of four males came past from Southgate direction shouting and talking loudly but were nothing to do with the premises. Few people inside with coats on making their way out. No issues. Left at 00:45
WK/208107533	06 March 2009	Inspection: Officer arrived at premises at 19:45 Condition 11 car park is not locked at the end of the evening Condition 17 no noise limiting device fitted. Inspection Report sheet left.
WK/208107533	07 March 2009	Observations: 22:30 to 22:40. Music audible on the opposite side of the road, Jazz Band. Main break out possibly via Conservatory. Would not consider that it would cause a problem at the complainants address. Further observations at 00:30 - no issues witnessed.
WK/208130420	13 March 2009	Observations: Officer arrived at premises at 22:41. Noise from music in premises clearly audible from car park with car windows closed and loud with windows down. Some noise from people stood outside rear of premises. Approx 10 people stood in smoking shelter talking. Jazz music was clearly discernable from other noise. Around 23:00 Officers walked around premises to each of the neighbouring properties. Noise was audible, even across the road except when traffic went past. Spoke to manager at premises about the noise issues and advised would likely be considered a nuisance if witnessed from a complainants home. Also went inside premises. Appears that the conservatory acts like an amplifier in itself. With the band on the platform on the fringe of the conservatory the sound resonates into it and the windows of the conservatory do not provide a great deal of sound insulation. Left around 23.15.
WK/208134610	20 March 2009	Observations: Visited area, noise audible on opposite side of street, jazz band, noise breakout through the Conservatory. Not possible to assess as not visiting complainant.
WK/208134922	18 April 2009	Inspection: 20:45 - no noise or ASB in the car park. Condition 17 not met as no noise limiter in place. Inspection report left giving 14 days to comply.

Willow Observations 1st January 2009 – 10th December 2009

WK/209015096	16 May 2009	<p>Observations: 00:10 and parked at the front of the premises with a view of the front doors. 6 males standing outside front door talking loudly - after 5 minutes they dispersed. Another 6 people left quietly - got in a car parked at the front of the premises and drove away.</p> <p>00:25 two lorries tooting each other outside the front doors of the pub as they passed each other. 00:30 drove to rear car park to continue obs. All quiet. Musician opening rear exit door to pack up equipment. Noise from music audible as door opens -not very loud but music should cease at 23:30 (live) and recorded (23:00) according to licence. Otherwise all quiet.</p> <p>Posts to close car park - one post has broken off so unable to close. No evident sign of any door supervision at front or back doors. Still around 30 customers inside premises. 00:45 several people leaving - talking as they left but not too loud. Some shouting as people leave.</p> <p>Inspection: 23:10 Noise limiter which was installed. Band was on site but having break at time of visit. Discussed noise issue with manageress. She advised she was walking around premises to monitor. Arrived back at premises at 00:20 - band now playing - music audible when car door open parked in rear car park. Music audible but not excessive. Left area 00:30. No ASB seen.</p>
WK/208134922	05 June 2009	<p>Meeting at premises to discuss noise complaints. DPS agreed to carry out db readings to make sure that the sound limiter was set at the correct level. Officer advised DPS to remove poster advertising live music on Wednesday nights and advised that this must stop as they are only licensed for live music on Friday and Saturdays. Some instruments such as drums and trumpets are not amplified so do not go through the sound limiter - advised that players must be made aware of the complaints and be asked to play more softly in future. DPS mentioned wanting to increase the number of people allowed outside to smoke as this causes problems for his staff and that he also wants to alter the conditions referring to children on the premises.</p>
WK/209030338	23 June 2009	<p>Meeting at premises to discuss noise complaints. DPS agreed to carry out db readings to make sure that the sound limiter was set at the correct level. Officer advised DPS to remove poster advertising live music on Wednesday nights and advised that this must stop as they are only licensed for live music on Friday and Saturdays. Some instruments such as drums and trumpets are not amplified so do not go through the sound limiter - advised that players must be made aware of the complaints and be asked to play more softly in future. DPS mentioned wanting to increase the number of people allowed outside to smoke as this causes problems for his staff and that he also wants to alter the conditions referring to children on the premises.</p>