

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 15 APRIL 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy, Daniel Anderson and Glynis Vince

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Pat Cahill (Metropolitan Police Service), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Councillor Alan Sitkin (Bowes Ward Councillor)
Ms Leyla Hassan and Mr Mehmet Ali Arslan (Applicant)

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WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed all those present and explained the order of the meeting.

There were no apologies for absence.

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DECLARATION OF INTERESTS

NOTED that there were no declarations of interest in respect of items on the agenda.

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**THE BIRD IN HAND, 100 TOTTENHALL ROAD, LONDON, N13 6DG
(REPORT NO. 214)**

RECEIVED the application made by B. Lads Limited for the premises known as and situated at The Bird In Hand, 100 Tottenham Road, London, N13 6DG for a new Premises Licence.

NOTED

1. The opening statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence for The Bird In Hand.
 - b. There was already a Premises Licence for the venue, held since a conversion in 2005.
 - c. Since 2011, the Premises Licence had been held by B. Lads Ltd, who was also the applicant in this case.

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- d. A copy of the current Premises Licence was included as Annex 02 in the agenda pack. This licence had not been subject to any review.
 - e. The application for a new Premises Licence was attached as Annex 03 in the agenda pack, and the hours sought were summarised on page 2 of the report.
 - f. The need for an application for a new Premises Licence rather than a variation to the current licence arose from the significant and substantial change to the premises layout. The new plan was shown on page 26 of the agenda pack. The Licensing Act and Regulations specified what must be shown on the plan, which forms part of the Premises Licence. As there had been significant alterations, the current licence was technically not valid.
 - g. The Chair noted that a refusal of the application by the Licensing Sub-Committee (LSC) would leave the applicant with an invalid Premises Licence, but that the LSC could choose not to grant hours sought, but to grant the plan.
 - h. The application was subject to representations from the Licensing Authority and the Metropolitan Police, both objecting to any extension of hours above those in the current licence.
 - i. The application was also subject to representations from interested parties who were local residents who objected to any extension of hours, and were represented at the hearing by Councillor Alan Sitkin, Bowes Ward Councillor.
 - j. A petition signed by objectors was attached in Annex 06. It was reported that IP19, Mr Andrew Sojos of 4 Wolves Lane, had withdrawn his representation against the application for the reason that at the time of the petition he was ill advised of the reasons for the application. It was also confirmed that IP25 Mr A Perdikos had withdrawn his representation against the application and had submitted a letter in support, as set out on page 29 of the agenda pack. This left a total of 25 interested party representations in objection rather than 27.
 - k. It was noted that the petition opposing the application did not give details of the hours and activities applied for.
 - l. A petition signed by people in support of the application was submitted by Ms Leyla Hassan as set out on pages 31-35 of the agenda pack. It was noted that details of hours sought for recorded music had been mistakenly noted as 30 minutes less than in the application in the proposal details attached to the petition.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. This premises already had a Premises Licence. As a result of its layout being substantially altered, a new application was required. Therefore the Licensing Authority had no objection to grant if the application had just been for an amended plan. However, the application was also for longer hours.

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- b. The issue of the plan had been raised by officers on 14/06/14, when it was noted that the premises layout did not reflect the plan attached to the licence and advice was given to submit an application.
 - c. The Licensing Authority objected to the longer hours sought on the grounds of prevention of public nuisance.
 - d. In February 2013 the Premises Licence was varied by means of a minor variation application to strengthen the licence at the request of the Licensing Authority and the Police, following a series of assaults and disturbances. This included the introduction of door staff on Friday and Saturday nights.
 - e. The premises was in a highly residential area, near a roundabout with roads leading off in four directions.
 - f. There were concerns that an increase in hours would lead to an increase in noise nuisance.
 - g. The Council had received complaints relating to this premises from four different residents since April 2013.
 - h. The premises had shown difficulty and inconsistency in dealing with noise.
 - i. There had never been noise at a level such as to require serving a Noise Abatement Notice, but the licensing objective related to prevention of public, not statutory, nuisance.
 - j. Ambient noise levels would be lower at night, and at later hours noise would be likely to cause nuisance.
 - k. The proposal set out on the petition submitted by the applicant contained hours for recorded music that were less than those actually applied for. This unfortunately called into question whether people would still have signed it knowing the correct time.
 - l. She clarified that since 18/02/14 there had been 20 Temporary Event Notices (TENs) at the premises covering 44 days. Six of those were withdrawn and re-submitted with reduced hours. Sometimes more than one TEN had been submitted on the same day, for example five were submitted on 22/10/14. The Police and Environmental Health had only three days to make any objection to a TEN, and if several were submitted together, were not able to see how the first event went before considering whether to make an objection to the next TEN.
3. Charlotte Palmer responded to questions as follows:
- a. In response to queries from Councillor Vince regarding the maximum number of TENs permitted per year, it was advised that a premises may request 12 separate events covering 15 days within a year.
 - b. In response to further queries regarding TENs from Councillor Anderson, it was advised that a TEN could not be withdrawn, but if there was serious crime and disorder at an event, a closure notice could be served if necessary. The nuisance to residents from this premises had related to volume of music and control of people, which was not serious enough to get a magistrate to close the premises.

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- c. In response to the Chair's query why further TENs were not objected to, it was advised that there had been various events and officers had made observations and sometimes no problems had been noted and sometimes there had been mediation with the licence holder.
 - d. In response to further queries from Councillor Anderson, it was acknowledged that this year there had been no notable concerns, and that when issues had been raised they had been addressed. Officers highlighted however that this was a residential area and that if activities were permitted to later hours there could be an increase in noise nuisance.
 - e. Councillor Anderson noted that issues with people congregating outside had been after the premises was closed anyway and questioned whether an extension of hours by 30 or 60 minutes would make a significant difference. Charlotte Palmer stated she thought that residents would feel it would make a difference. Later at night there was less traffic and other ambient noise, so any noise from the premises would be more of a nuisance to residents. Concerns related solely to the premises' location.
 - f. In response to the Chair's queries regarding inconsistency in managing noise and people, it was reported that some observations had found noise and music audible in the vicinity and others had not. There was not nuisance every time observations were carried out.
 - g. In response to further queries regarding evidence, it was advised that the officers' notes on two occasions recorded issues of concern and that any extension to hours at the venue would be inappropriate as nuisance would be worse at a later hour.
 - h. Councillor Anderson asked about comparisons with similar premises in similar locations. It was advised that as this specific premises was by a roundabout it could affect residents in many directions. There had been eight complaints received since 2013. This was certainly not one of the worst premises that officers dealt with.
 - i. In response to the Chair's general queries regarding applications for TENs, Charlotte Palmer advised that the Licensing Authority had no objection to applications for TENs to see how extended hours worked for businesses and their customers, if a business was considering making an application to vary hours. They also gave officers the opportunity to monitor the events. TENs were also submitted on a one-off basis, for example for a party. She re-iterated that officers had three working days only to make objections to a TEN from the day it was submitted.
4. The statement by PC Pat Cahill, on behalf of Metropolitan Police Service, including the following points:
- a. He normally operated as an ASB officer, but was deputising at this hearing for PC Martyn Fisher, Police Licensing Officer.
 - b. PC Fisher's statement was included as Annex 04 in the report. His main reasons for objection were that the location was in a mainly residential area and he was aware there had been a number of noise

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nuisance complaints to the Council. If the application was granted, there was a potential for noise issues, detrimental to local residents. If later hours were permitted it would also very likely lead to increased incidents of crime and disorder as customers would be able to consume more alcohol. Although there would not be greatly extended hours he felt that the negative impact on the local community would be far too harmful and affect residents' right to peace and quiet in their own homes.

c. He had had personal dealings regarding anti-social behaviour in this area. A camera had been funded from the Enfield Residents Priority Fund for Bowes Ward at the request of the local Safer Neighbourhood Team. The camera had been deployed at the junction of Wolves Lane and Tottenham Road in 2012 because there had been an issue with youths congregating in local side streets and drug dealing. The camera was now at the junction with Grenoble Gardens, to assist with flytipping issues. Neither of these issues had any link to this pub, but the area was very residential and if people were observed hanging round on street corners, particularly at later hours and after consumption of alcohol, residents would complain.

d. He imagined that customers leaving this venue would have to walk up to Green Lanes to get a cab, and would therefore walk along residential streets, which would be annoying for the residents.

e. He noted that a lot of local people had also expressed support for the application, but questioned whether they would have a change of mind if there was disturbance from noise and music at night.

5. PC Cahill responded to questions as follows:
- a. The Chair asked about evidence that later hours would very likely lead to increased incidents of crime and disorder. It was advised that PC Fisher had made his statement on the basis of his experience in the area and issues experienced at a number of pubs in residential areas where there had been problems at night. He had been working in the borough for 12 years and always got complaints from residential areas.
 - b. The Chair asked for clarification of the Police's position in relation to TENs at this venue. PC Cahill advised that the Police had looked at the TENs and events and there had been no problems, but PC Fisher was considering the permanent longer hours in the application and felt that there would be a negative impact on the local community.
 - c. The Chair asked if Police had any reason to believe that the applicant was not properly promoting the licensing objectives. PC Cahill advised that from what he had read there was no problem with the applicant or with the way the pub was being run. Charlotte Palmer added that when the licence had been inspected that there had been very few breaches, which had been complied with. There was some concern that it had taken from June 2014 to get to this stage with respect to the premises' plan. A minor variation to the licence had been submitted in 2013 following a meeting with the Licensing Authority and the Police, after a series of assaults and disturbances relating to the

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pub. She confirmed that when things had been picked up by officers, the licence holder had addressed them.

d. In response to the question from the licence holder whether she had ever been refused a TEN, Charlotte Palmer highlighted conversations between the parties when officers were minded to object and some TENs had been withdrawn and re-submitted with lesser hours.

e. In response to Councillor Anderson's queries regarding PC Fisher's statement and any stronger evidence relating to this premises, PC Cahill clarified that PC Fisher used to be ward officer in the area of Palmers Green and Bowes for a number of years so knew the area well. He would believe PC Fisher if he was saying that there could be issues, but he had nothing to back it up. In response to further queries by Councillor Anderson, he highlighted the final line of PC Fisher's statement that he was happy with the current conditions on the licence.

f. The Chair queried why, if fears were evidence based, that a review had not been called. Charlotte Palmer advised that the minor variation was submitted at the Police's request and a meeting of all the parties further to a number of assaults. The applicant had agreed to additional conditions on the licence. The report's starting point was from the date of that minor variation. Rather than a review, the licence holder had been offered the opportunity to submit a minor variation.

g. In response to the Chair's question whether between November 2014 and February 2015 there had been any incidents of crime and disorder when TENs had been granted, PC Cahill confirmed there had not.

6. The statement of Councillor Alan Sitkin, Bowes Ward Councillor, including the following points:
 - a. He was speaking on behalf of Wolves Lane & District Residents' Association.
 - b. He had personally used the pub and found it very pleasant, and he had no anti-pub crusade.
 - c. His email of 14/01/15 set out his position. His representation related to this pub's location in a residential neighbourhood. If the pub was on a commercial street his views would have been different. The extensions to the licence here would materially change local residents' living conditions.
 - d. He was attending the hearing to represent the opinion of the majority of residents who opposed the extension of the licence.
 - e. He had received an email within the last couple of days from Chris Joannou, Chair of Wolves Lane & District Residents' Association, raising two extra points:
 - (i) the number of complaints received by the Licensing Team were the tip of the iceberg: more complaints could have been made but people would not ring when they felt no notice was being taken;
 - (ii) the residents' association had carried out a door knocking exercise, which had turned into a petition when it was realised that the equivalent of 89% of residents opposed the licence extension. He added that

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many of the signatories of the applicant's petition in support were too far away to be affected. Mr Joannou stood by the appropriateness of his petition.

f. There would seem no doubt that that vast majority of local residents were opposed to the application due to intangible fears about public nuisance. From the email he received, there were more complaints that could have been made than were made. He had also communicated with residents and they were opposed.

7. Councillor Alan Sitkin responded to questions as follows:
 - a. The Chair asked about the petitions against and in support of the application, noting that the petition in support was larger, albeit with the minor technical error, and that both petitions included addresses in Tottenham Road, Wolves Lane and Wilde Place. Councillor Sitkin accepted that the LSC were in a difficult position in making a decision, but re-iterated that he had been told those residents in opposition were geographically closer, and the opponents had been more vociferous.
 - b. The Chair referred to the withdrawal of an objection from Mr Perdikos and his reversion to a position of support for the reason that he had felt misled by the residents' association representative; and questioned whether there may be a degree of vexation. Councillor Sitkin advised that Chris Joannou had affirmed that insinuations that residents were misled by the residents' association were absolutely false.
 - c. Councillor Anderson questioned why, if there was such a vociferous campaign in opposition, that fewer had signed the petition against than had signed the petition in support. Councillor Sitkin took the point that numbers may be fairly even and that the number of opponents may not be large, but they were vocal and were extremely angry. All three Bowes ward councillors had been contacted by objectors.
 - d. The Chair questioned why the residents' association representatives, beyond submitting the petition, had not made a specific representation in their own right or attended this hearing. Councillor Sitkin highlighted the supplementary email from Chris Joannou on page 48, but acknowledged that none of the 25 valid names had made a representation as such. He advised that in discussions Mr Joannou had complained he had not had enough notice of the hearing, though the Chair remarked that his email to the Licensing Team was dated 01/03/15, over a month ago. Councillor Sitkin advised that he was choosing not to repeat other comments made in respect of the premises, but would say that residents predicted that the applicant would not comply with licensing conditions as there had been previous breaches and 2.5 years ago the pub had been changed without permission, to include a kebab take away facility.
 - e. In response to the Chair's further queries about the possibility that some objectors had displayed a degree of vexation in their objections, Councillor Sitkin stated that he could not answer that, but he advised

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that Mr Joannou lived extremely locally to the premises and had experienced people out on the pavement acting loudly.

f. In response to Councillor Vince's queries regarding names and addresses in the petitions, and that immediate neighbours appeared to be against and in support, Councillor Sitkin acknowledged that he had not read both petitions in detail.

g. Councillor Sitkin also acknowledged the further points made by Councillor Anderson that a number of people signing the petition in objection were members of the same household, which suggested there had been difficulty gathering petition signatures: if there was such high concern he would have expected to see considerable numbers objecting.

8. The statement of Ms Leyla Hassan, the applicant, including the following points:
- a. She was speaking on behalf of herself and Mr Mehmet Ali Arslan: they had taken over the pub in November 2011. At that time, the pub had been used extensively by those buying, selling and smoking drugs. She had barred around 80% of the previous customers, which meant for the first six months the business had been very quiet, but she had wanted to make it into a family pub.
 - b. She had doubled the number of CCTV cameras in the pub from eight to 16 to eliminate blind spots, and installed a 60" monitor.
 - c. New customers had started being attracted. As more females were visiting the pub, the premises had been altered to increase the number of women's toilets and make it more family friendly.
 - d. Their builder had advised that permission was not needed to move the kitchen, but when the Council made her aware that it was necessary, she had submitted the application.
 - e. There had been some confusion around whether a variation or new premises licence was required, and she had to revise her application to put mistakes right.
 - f. The main concerns related to people on the pavement outside the pub, which was used as a smoking area. Alcohol was not allowed outside, but people would hang around and non-customers would also use the benches. At her suggestion, all benches and tables were taken inside every night. Within this application, it was offered to move the smoking area to the pub garden rather than in front of the pub. That would stop noise nuisance for residents.
 - g. There was also a bus stop for the W4 bus directly outside, so there would frequently be people waiting for a bus, and they would talk amongst themselves and interact with pub customers and may use pub chairs before 11pm.
 - h. Officers had mentioned noise made by customers waiting outside for taxis, so a free phone had been installed in the premises for customers to use to request a minicab and so they would stay inside the pub.

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- i. She had spoken to Chris Joannou when she first moved in to the pub and asked if they could be invited to a residents' association meeting. They had now been there 3.5 years and had still not received that invitation.
 - j. She had visited the pub's immediate neighbours and provided them with the telephone number of the pub and her own mobile number so they could make contact directly if any problems arose. One resident often rang if there was a car parked inconsiderately and she would check if the owner was in the pub and if so ask them to move it. She considered she had a very good relationship with her neighbours.
 - k. Five of the people who had signed the petition against the application had signed her petition in support as well. The feedback she had received when gathering petition signatures was that people had felt misled by residents' association representatives and it had been suggested to them that the pub wanted to open much longer hours and play music all hours.
 - l. At the moment the pub was licensed to open until 00:00. However, on Monday they closed at 22:30. When there was no demand the pub did not stay open, and if the application was granted, the pub would not be kept open for all the permitted hours for the sake of it, or music played to maximum hours.
 - m. She complied with officers' advice to check noise levels by standing and listening from appropriate places outside. She asked DJs to turn down the volume when the noise was too loud.
9. Ms Leyla Hassan responded to questions as follows:
- a. Councillor Anderson asked about the reasons for multiple submissions for TENs. Leyla Hassan advised that the reason was that she was due to go on holiday, but had a number of events coming up in November and December including a bonfire night celebration and an anniversary party. When she had applied for TENs for events until 3am she had been made aware that the Council had concerns about issuing them and PC Fisher rang her to say he would object, and so she followed suggestions to reduce the TEN applications until 2am.
 - b. In response to Councillor Anderson's queries regarding the petition organised in support of the application, Leyla Hassan advised that the incorrect time printed was a genuine mistake. No-one had subsequently told her they felt they had signed under false pretence. She confirmed she had collected the signatures in March. The petition in opposition had been carried out in December / January, before this application had been submitted.
 - c. Councillor Vince asked for the reasons why extended hours were needed. It was advised that currently at 11pm the music was reduced to background level. Then one by one customers started leaving and moving on to other pubs by cab as they did not want to stop drinking or finish their night at that point. They mainly moved on to The Fox, which was open until 02:30. Her customers had been asking for later opening

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hours to 1am and music until 12am at The Bird in Hand. Most of the customers were local residents, living within walking distance.

d. In response to Councillor Vince's query whether anyone was resident at the premises, Leyla Hassan advised that her business partner lived there, and that she stayed a couple of nights per week. She reiterated that chairs and tables were brought in at 11pm and that access to the garden was locked at that time.

e. The Chair asked about additional steps which could be taken to mitigate against the possibility of public nuisance and increased crime and disorder. Leyla Hassan advised that noise had been reduced by installing the free phone for minicabs, which stopped people going outside and phoning, and by moving the smoking area into the garden. The garden area backed onto the premises and was not exposed to residential addresses.

f. In response to the Chair querying the marginal extra hours and whether seeking them was worth aggravating local residents, Leyla Hassan stated that this was her business and her living. Businesses had to give customers what they wanted. The pub had to have food, an area for children and a beautiful garden. The application was not just about making more money. If people went out for a longer evening they would drink more slowly and spread their drinking over the evening, but not leave to go somewhere else. She considered herself and her partner to be responsible licence holders. They had actioned everything that officers had suggested. If responsible authorities said they needed to do more they would not have a problem with it. The Principal Licensing Officer advised that the applicant had offered some further conditions, but that the responsible authorities had no objections to current conditions set out in Annex 07. By condition, the outdoor tables and chairs should be removed at 00:00, but the licence holder was happy to bring them in at 11pm. The Chair confirmed that the debate would focus on the application to extend licensing hours.

g. In response to Charlotte Palmer's query regarding the outdoor tables and chairs, Leyla Hassan confirmed that they would still be brought in at 11pm if the application should be granted in full.

h. In response to Charlotte Palmer's query regarding children on the premises, it was advised that children had to have an adult with them at all times: if they were not with an adult they were not allowed in. At 9pm they made parents take children home unless they were in the restaurant and eating dinner, and this would not change if the application was granted.

i. It was clarified via the Chair that all parties would be satisfied for additional conditions volunteered by the applicant to be included on the licence.

j. In response to Charlotte Palmer's question regarding intentions for outdoor music, it was advised that in summer only they had piped music outdoors, which was constantly monitored. They had had live music in the garden twice, on bank holidays for barbeques held during the daytime, and it was included on the application for such cases.

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k. Charlotte Palmer highlighted the error in times for recorded music given on the petition of support and asked if the applicant wished to reduce the application in line with that. Leyla Hassan confirmed she would prefer to keep the hours as written in the application.

l. In response to further queries from the Chair regarding the hours sought, it was confirmed that the weekend licensed hours and music were the most important from the business perspective. In the week, the pub did not always use their maximum permitted hours and would not fight as strongly for the weekday extended hours.

10. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
 - b. Relevant Home Office Guidance and the Council's licensing policy were highlighted for Members' attention.
11. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
 - a. Officers' notes stated on more than one occasion that later opening hours at this premises would be likely to cause nuisance to residents.
 - b. Given that this was a highly residential area, the Licensing Authority still objected to the application and recommended that the hours granted were the same as those on the current licence.
12. The closing statement of PC Pat Cahill, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's position.
13. Councillor Sitkin had confirmed he had no more to add to his representation.
14. The closing statement of Ms Leyla Hassan, on behalf of the applicant, including the following points:
 - a. She had always complied with advice given by the Licensing Authority and the Police, and she did not want to upset local residents.
 - b. For clarity, the Police had been called in respect of the premises on only four occasions. Once the pub had been broken into and a fruit machine raided. One issue had arisen at a St Patricks Day celebration when drinkers were mucking about. She had called for Police assistance once after the fire alarm went off and the pub was evacuated but had difficulty dispersing people as a bus arrived at the same time and a number of football fans returning from a match got off and hung around. The fourth occasion related to a suspected theft of a mobile phone from a teacher in the pub with a group on the last day of term: she later came back to say that one of her colleagues had picked it up by mistake. There was not much crime in this pub.

RESOLVED that

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

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

2. The Chairman made the following statement:

“Having carefully considered all the written representations and listened attentively to the oral submissions throughout the course of the hearing, the Licensing Sub-Committee (LSC) concluded that the Applicant for The Bird In Hand demonstrated to full satisfaction that it had been and will continue to take all appropriate steps for the full promotion of the licensing objectives, and that the LSC resolved to grant the application in full.

The LSC was mindful of the London Borough of Enfield’s Licensing policy statement and statutory guidance in respect of premises located in or immediately adjacent to residential areas, and the impact that even the relatively modest increase in the hours sought for licensable activities could have in terms, primarily on public nuisance, but also the potential for crime and disorder. The LSC was confident that the premises licence holder had been pro-active in her approach to responsible operation of the previous licence, evolving policies, procedures, and simple operational actions over almost four years at these premises (specific use of the garden for smoking space, removal of benches from the front of the pub at the historic terminal hour, installing a Freephone taxi call service, being some of the examples), working co-operatively with the Police (and PC Martyn Fisher in particular) and Licensing Authorities, responding immediately and sensibly when particular issues of noise nuisance and limited incidents when the Police attended the premises or were called by the premises licence holder. The LSC heard from the premises licence holder that these limited incidents were not of a criminal nature. The LSC also noted that the premises licence holder was/is consistently seeking dialogue and an open relationship with the local Residents Association, although such approaches had been consistently spurned, according to the premises licence holder.

The LSC was also persuaded by the premises licence holder that, whilst earnest in the seeking of no more than one extra hour per night of various licensable activities throughout the week, she would take a pragmatic approach to managing any new licence and would not

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necessarily keep the premises open to the full terminal hour every night – thereby mitigating against the potential for increased disturbance of any kind, and taking steps to promote the licensing objectives.

By contrast, the LSC considered that the objections made by the Licensing Authority, the Metropolitan Police Service (MPS) and some local residents by way of 25 interested parties, represented at the hearing by one of the three Ward Councillors, were not sufficiently compelling or persuasive to refuse the extended hours to this new application. Indeed, the LSC was of the view that rather than being evidence based, most of the written representation, and much of the oral submissions, were based on supposition, conjecture, and speculation. The LSC heard amorphous words such as “very likely”, “I feel that”, “we believe that”, “might”, “negative effects that this often leads to” – which diminished the arguments being advanced.

The LSC was told by the Licensing Authority that there had been an inconsistency in managing the level of noise, the volume of music, and managing people gathering outside the premises. However this was not reflected within the evidence before the LSC which detailed that the premises licence holder acted swiftly and appropriately by way of response when such episodes occurred – on some occasions responding to direct phone calls from local residents and sometimes calling the police herself if the concern was of sufficient need and could not otherwise be contained.

Additionally, it was the LSC’s opinion that submissions from the MPS not only lacked statistical and supportive evidence, but were inconsistent and contradictory.

PC Fisher wrote that the potential for noise nuisance arising from “only one hour above” current times would be detrimental; and also “that the later hours would also very likely lead to increased incidents of crime and disorder”. And yet the LSC noted that at numerous times over the past year, the MPS did not raise objections to temporary event notices for activities lasting until 02:00 (or even 03:30 on three occasions) – where the potential, by the logic of his argument, would perhaps have been even greater. However, we heard no evidence worthy of note that those events gave rise to significant noise or criminal disorder, or that the licensing objectives were in any way compromised or undermined.

By the very nature of the location of these premises, being within very close proximity to residential properties, the LSC applied great weight to the opinions of local residents – some of whom were represented at the hearing by Councillor Sitkin; himself an objector in writing in his own right. He told the LSC that he was the mouthpiece for the 26 remaining parties from the petition objecting to the application, and in particular Mr Chris Joannou from the Wolves Lane and District

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Residents Association (WLDRA). The LSC was asked to believe that these objectors were those who lived in closest proximity to the premises and likely to be most affected.

However, in the bundle of written evidence, the LSC also had sight of a parallel petition from another group of residents in support of the application – far greater in number than the interested parties who had objected – a close reading of which making it clear that much of the support came from the very same streets, some of whose addresses were even closer to the premises. Under questioning from one of the LSC, Councillor Sitkin conceded that he had not read or analysed the respective petitions in detail, nor spotted that objectors and supporters were often next door neighbours.

The LSC also noted the written representation provided by an interested party, Mr Perdikos of 147 Tottenhall Road in which not only did he withdraw his initial objection to the application for what he had believed was a significantly greater extension of hours than that now being sought, but explicitly said the current application is something to which he was content to give his full support.

The LSC took into account the written statement from Mr Joannou through an email dated 1 March 2015 – in which he asserts that a survey carried out to ascertain the views of the local community “reveals that 91% of those that were contacted are strongly opposed to the grant of a Premises Licence that extends the hours for playing music and the supply of alcohol ...” The LSC considered that it conveyed a very specific view of Mr Joannou speaking on behalf of WLDRA and that there was no formulated basis for this statistic.

Moreover, as part of his oral evidence, Councillor Sitkin – voluntarily and without prompting by questions – began to recount additional irrelevant hearsay information, concerning planning issues, he had been given by Mr Joannou. The LSC disregarded that information in its consideration and decision.

The only area of contention in this case was a marginal extension of hours, but the LSC acknowledged that even such relatively small changes have significance for the local community in that this increase in hours may have an impact on the promotion of the licensing objectives, and so residents’ views are paramount in such matters.

However, it is the role of any Licensing Sub-Committee to take a balanced view of the respective arguments, and to make a decision on the weight of evidence. The LSC needs to have confidence in the ability of a premises licence holder such that the management and operation of the licence is done effectively, efficiently, and with responsibility. Above all, it is incumbent on the premises licence holder

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to ensure that the licensing objectives are being properly promoted and that all reasonable steps, guided by workable and enforceable conditions, are being taken so to do.

This LSC considered that the new application from the premises licence holder for The Bird In Hand was robust, and that the representations from all objecting parties were lacking in evidence and not sufficiently well made to persuade it to arrive at any other decision than that it would be appropriate for the promotion of the licensing objectives to grant the application in full.

The LSC also anticipates that B. Lads Limited will surrender the previous licence LN/200502145 at the earliest opportunity, not least because the plans attached to it are out of date and if would have been inoperable.

Should the worst fears of local residents, local representatives, or any of the Responsible Authorities be confirmed, the opportunity to call for a review of the licence is built into the Licensing Act process for that very reason.”

3. The Licensing Sub-Committee resolved to grant the licence in full as follows:
 - (i) Hours the premises are open to the public : Sunday to Thursday 10:00 to 00:30 and on Friday and Saturday from 10:00 to 01:30.
 - (ii) Supply of alcohol (on and off supplies) : Sunday to Thursday 10:00 to 00:00 and on Friday and Saturday from 10:00 to 01:00.
 - (iii) Live music :
(Indoors) Sunday to Thursday 10:00 to 23:30 and on Friday and Saturday 10:00 to 00:00.
(Outdoors) Monday to Sunday 10:00 to 21:00
 - (iv) Recorded music :
(Indoors) Sunday to Thursday 10:00 to 00:00 and on Friday and Saturday 10:00 to 00:30.
(Outdoors) Monday to Sunday 10:00 to 21:00
 - (v) Performance of dance : Sunday to Thursday 10:00 to 23:30 and on Friday and Saturday 10:00 to 00:30
 - (vi) Late night refreshment : Sunday to Thursday 23:00 to 00:00 and on Friday and Saturday 23:00 to 01:00
 - (vii) Indoor sporting events : Monday to Sunday 10:00 to 00:00.

Conditions (in accordance with Annex 07 to the report)
Conditions 1 to 21, which were modified and enhanced in part and agreed by responsible authorities and the applicant.