

## MUNICIPAL YEAR 2019/20 – Report No: 154

**COMMITTEE:**  
Licensing Sub-Committee  
27 November 2019

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

**Agenda – Part  
1**

**Item 4**

**SUBJECT:**  
Application for a Variation of a Premises  
Licence

**PREMISES:**  
THE BIRD IN HAND, PUBLIC HOUSE, 100  
TOTTENHALL ROAD, LONDON, N13 6DG.

**WARD: Bowes**

### 1. LICENSING HISTORY:

- 1.1 On 10 September 2005 applications by Mr Nicos Yiapatos to convert an existing Justices 'On' Licence to a Premises Licence (LN/200502145) and to simultaneously vary that licence, which were not subject to any representations, were granted by officers in accordance with delegated authority.
- 1.2 On 18 December 2011 an application by B Lads Limited for transfer of the Premises Licence (LN/200502145), which was not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.3 On 22 April 2015, an application by B Lads Limited for a new premises licence (LN/201500059) was granted by the Licensing Sub-Committee, as it was subject to representations.
- 1.4 The Directors of B Lads Limited are Mehmet Arslan and Lale Hassan, according to the Companies House check carried out on 18 November 2019.
- 1.5 On 10 September 2015, B Lads Limited surrendered premises licence (LN/200502145).
- 1.6 On 16 October 2015, a minor variation of premises licence (LN/201500059) to increase the last entry/re-entry time from 23.00 to 00.00 (midnight), which was not subject to a representation, was granted by officers in accordance with delegated authority.
- 1.7 On LN/200502145, Mehmet Arslan was the named Designated Premises Supervisor (DPS) from 8 December 2011 until that licence was surrendered. He has also been the named DPS on LN/201500059 since 12 January 2015.
- 1.8 Four Temporary Event Notices have been granted to take place at the premises this year.
- 1.9 A map of the area is produced in Annex 1.

1.10 A copy of the current premises licence (LN/201500059) is produced in Annex 2.

## **2.0 THIS APPLICATION:**

2.1 On 27 September 2019 an application was made by B Lads Limited for a variation of the premises licence (LN/201500059).

2.2 The application seeks to remove Condition 3 of the existing licence, and to add a replacement condition to permit the use of beer garden until 22.30 Monday to Saturday, and until 22:00 on Sunday.

2.3 Each of the Responsible Authorities were consulted in respect of the application.

2.4 A copy of the application is attached as Annex 3.

## **3.0 RELEVANT REPRESENTATIONS:**

3.1 **Responsible Authorities – Metropolitan Police:** No representations were made.

3.2 **Responsible Authorities – Licensing Authority:** Representation has been made on the grounds of prevention of public nuisance, and object to the proposed condition relating to the beer garden.

3.3 The Licensing Authority representation, including the additional information, is now attached as Annex 4.

3.4 **Other Persons:** Representations have been made, against the application, by a ward councillor and a local resident. The residents are referred to as IP1 and IP2 respectively. The grounds of representation are based on the following licensing objectives: prevention of crime and disorder, public safety and prevention of public nuisance.

3.5 Copies of these IP representations are produced in Annex 5.

3.6 The resident lives on Wolves Lane.

3.7 In response to the representations, the applicant has provided additional information and documents to support the application. This is produced in Annex 6.

## **4.0 PROPOSED LICENCE CONDITIONS:**

4.1 The conditions arising from this application can be found in Annex 7.

## **5.0 RELEVANT LAW, GUIDANCE & POLICIES:**

5.1 The paragraphs below are extracted from either:

- 5.1.1 the Licensing Act 2003 ('Act'); or
- 5.1.2 the Guidance issued by the Secretary of State to the Home Office of April 2017 ('Guid'); or
- 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

### **General Principles:**

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are:
  - 5.3.1 the prevention of crime and disorder;
  - 5.3.2 public safety;
  - 5.3.3 the prevention of public nuisance; &
  - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
  - 5.4.1 the Council's licensing policy statement; &
  - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

### **Hours:**

- 5.5 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.13].
- 5.6 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].

### **Decision:**

- 6.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
  - 6.2.1 the steps that are appropriate to promote the licensing objectives;
  - 6.2.2 the representations (including supporting information) presented by all the parties;
  - 6.2.3 the guidance; and
  - 6.2.4 its own statement of licensing policy [Guid 9.38].

- 6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 6.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 6.3.3 to reject the application [Act s.18].

**Background Papers:**  
**None other than any identified within the report.**

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