

LICENSING ACT 2003

MIA 135 FINCHLEY ROAD LONDON N1

WITNESS STATEMENT OF MICHAEL QUINN

1. My name is Michael Quinn. I was born on 9 August 1982. I am the Designated Premises Supervisor of Mia of 135 Finchley Road, London NW3 6JH. I have been involved in Mia from its inception in June 2015. After an extensive refurbishment, we opened to the public in July 2016.
2. Mia is located on a very busy section of the Finchley Road. It is an extremely busy area at all times of day and night. The road is a very busy thoroughfare. Traffic noise creates high ambient noise levels at all times. The area is also an active travel hub, with Swiss Cottage tube station very close to Mia, as well as numerous nearby bus routes.
3. The premises serves Mediterranean and Lebanese cuisine. A copy of the menu is attached. We employ over 35 staff. There is a host and receptionist stationed at the top of the stairs when you first enter the premises and during the hours of opening. There is a duty manager and floor manager who are constantly supervising the premises. There are no less than 5 chefs working in the kitchen, supported by two kitchen porters and a further 25 staff serving the tables and ensuring that guests are welcomed and greeted in the manner that you would expect. At the end of the evening, we have security outside the main entrance, as well as the duty manager and floor manager.
4. We have implemented strict dispersal procedures to ensure the controlled departure of customers, particularly later in the evening. This is to ensure our customers do not cause a nuisance to local residents. This process is supported by the fact that our customers consume relatively low amounts of alcohol, we are not a nightclub, there are very high ambient noise levels on Finchley Road, and there are excellent transport links very close by. Notwithstanding, we constantly risk assess our venue and as with any other similar style venues that operate in the early hours of the morning, we ensure that the correct numbers of staff and security are in place, dependent upon the time of year.

5. Since I have been the DPS of the premises, I have received no complaints from any resident in relation to the licence, licensing conditions or, in particular, the licensing objectives, namely crime and disorder, public nuisance, public safety and protecting children from harm. Moreover, I have not received any emails from the Council with any complaints from them in relation to concerns that have been raised to them by local residents. Certainly, no formal complaints have been made and, as I am on site virtually all the time, if there was an issue I would be able to address it immediately. But as I say to my knowledge there have not been any.
6. We have not experienced any security issues or incidents of crime and disorder or public nuisance that have either been reported to us or to the Council or the Metropolitan Police, since we first opened.
7. This application is for a new premises licence, although in practice it is replacing the existing premises licence. The application was submitted to the London Borough of Camden on 31 March 2023. On that basis the consultation period ought to have concluded on 28 April 2023, but most unfortunately due to human error the Licensing Service at Camden failed to advertise the application and the consultation period had to start again. Details of the correspondence between Camden and my solicitor are attached in this bundle.
8. It was towards the end of this, in effect, second consultation period that I was informed that 3 representations had been received from local residents. I was very surprised to have received any representations, as the application is essentially a “housekeeping exercise” and to reduce the hours currently enjoyed on my current licence for both the lower and upper ground floors, as well as to essentially incorporate the lower ground floor into the upper ground floor day to day operation.
9. Prior to submitting the application, I applied for a series of temporary event notices for our busiest time of year, which is Christmas, that essentially mirrored what I am applying for now, albeit with different hours. Copies of the TENs are contained within this bundle. The committee will note that the hours that were granted for these temporary licenses were later than what we are now requesting. The reason for the TENs was to ascertain whether or not what I proposed would be successful and perhaps more importantly whether it would have

any detrimental effect on local residence and businesses. I'm pleased to say that over this period there were no complaints whatsoever, either to the Council or to the premises directly, in relation to public nuisance or crime and disorder.

10. Following the successful trial period under TENs, it was decided that an approach would be made to the Metropolitan Police Service to ascertain whether or not the temporary arrangement could be made permanent. In a nutshell, those temporary arrangements would enable the lower ground floor of the premises to become an integral part of the upper ground floor. There would be no changes made nor sought to the first floor. The lower ground floor is currently licensed for private functions. Owing to the current economic climate and post pandemic, private functions no longer really work.
11. Originally when speaking with the police it had been suggested that my proposal may be suitable to be dealt with by way of a minor variation of my current licence - as I was seeking to reduce the hours on both the lower and upper ground floors and the other changes that I was pursuing were essentially a "housekeeping" or "tidying-up" exercise.
12. As I have said above, this application seeks to have earlier hours than those that I am currently permitted on my licence. The proposed changes are:

Lower Ground Floor

Sale of alcohol

Sunday to Thursday 12:00 - 00:00 **REDUCED FROM 12.00 – 01.00 (Monday to Thursday; Sunday no change)**

Friday and Saturday 12:00 - 01.30 **REDUCED FROM 12.00 – 02.00**

Live Music, Recorded Music, Performance of dance, and Anything similar

Sunday to Thursday 12.00 – 00.30 **REDUCED FROM 12.00 – 04.00**

Friday and Saturday 12.00 – 02.00 **REDUCED FROM 12.00 – 04.00**

Upper Ground Floor

Sale of alcohol

Sunday to Thursday 12:00 – 00:00 **REDUCED FROM 12.00 – 01.00 (Monday to Thursday; Sunday no change)**

Friday and Saturday 12:00 -00.30 **REDUCED FROM 12.00 - 03.00**

Live Music, Recorded Music, Performance of dance, and Anything similar

Sunday to Thursday 12.00 – 00.30 **REDUCED FROM 12.00 – 04.00**

Friday and Saturday 12.00 – 02.00 **REDUCED FROM 12.00 – 04.00**

First floor

Sale of alcohol

Monday to Thursday 12.00 – 01.00 **NO CHANGE**

Friday and Saturday 12.00 – 03.00 **NO CHANGE**

Sunday 12.00 – 00.00 **NO CHANGE**

Live Music, Recorded Music, Performance of dance, and Anything similar

Monday to Sunday 12.00 – 04.00 **NO CHANGE**

13. An application for a minor variation was therefore submitted. Unfortunately, whilst trying to get the wording correctly drafted for the proposed conditions, the consultation period came to an end. As it was a minor variation it therefore automatically failed.

14. Following the minor variation application, the case was taken over by another police officer. She, and indeed, my solicitors felt that rather than applying again for a minor variation it would be more sensible to apply for a new licence. That would be altogether better for all parties. I accepted this advice and we proceeded with the application and in doing so we entered into a very constructive dialogue with the police, particularly in relation to the conditions that are on the current license. The police were keen that the licence should be much more “user-friendly” and several conditions were either superfluous or duplicitous. I not only agreed to reduce the hours on the lower and upper ground floor, but also agreed to extra conditions in relation to security.

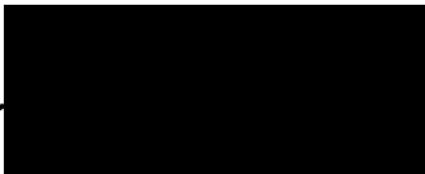
15. I note that the representations were received towards the end of the second consultation period, and, as I said earlier, this was a real surprise. I can only conclude that the reason why they are objecting is that there is a misunderstanding between what we have applied for and what they believe to be the case. I am at a loss to understand why it is alleged that the application was not properly advertised, as the notices remained in place for over 56 days (this was checked by officers from the Council). There was also an advertisement in the local newspaper. Whilst only three representations have materialised from residents, no objection has been received from the Licensing Authority, the Environmental Health Service or the Noise Team, and of course, there is no objection from the Metropolitan Police Service.

16. A complaint is levelled at Mia in relation to the refuse area to the side of the premises. It is alleged that my staff discard waste in a disorderly manner so as to cause an abundance of litter and food waste to be spread in and around the immediate vicinity. This is completely untrue. I have been the victim of others who deliberately fly tip their rubbish in or close to our refuse area. They have caused a great deal of criminal damage to the side of the premises

- I. the letter from the Metropolitan Police Service confirming that they were withdrawing their objection. It should be noted that objection was always a "holding " objection
- II. my correspondence with those that have made representations and their response
- III. photographs of the premises

STATEMENT OF TRUTH

I believe that the facts stated in this witness statement are true.

Sig 

MICHAEL QUINN

Dated..... 03-Jul-2023