

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 16 December 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
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Councillors : Chris Bond (Chair), George Savva MBE and Eric Jukes

SUPPLEMENTARY AGENDA – PART 1

3.1 ROYAL VENUE, 1 JUTE LANE, ENFIELD, EN3 7PJ - GIVING A TEMPORARY EVENT NOTICE (REPORT NO. 149) (Pages 1 - 18)

Application for a Temporary Event Notice (TEN).

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MUNICIPAL YEAR 2015/16 REPORT NO. 149

COMMITTEE :
Licensing Sub-Committee
16 December 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Giving a Temporary Event Notice	
PREMISES : Royal Venue, 1 Jute Lane, ENFIELD, EN3 7PJ	
WARD : Enfield Highway	

1 **LICENSING HISTORY & CURRENT POSITION :**

- 1.1 Please refer to the Licensing Sub-Committee report for the new premises licence application for the full licensing history, which will be heard at the same time for the Temporary Event Notice (TEN) application.
- 1.2 On 24 August 2015, the Metropolitan Police submitted a summary review application, and at the hearing on 16 September 2015, the Licensing Sub-Committee **RESOLVED** it appropriate for the promotion of the licensing objectives to **REVOKE** the licence.
- 1.3 The Chairman made the following statement:
- 1.4 “Having read, heard, and fully considered the written and oral submissions of all parties, the Licensing Sub-Committee has determined that revocation of the licence is appropriate - and necessary – for the effective promotion of the licensing objectives.
- 1.5 It is the view of the sub-committee that the Metropolitan Police Service, in bringing this summary review, and the Licensing Authority in supporting it, have each made their respective cases in full. The Licensing Sub-Committee was fully persuaded by the arguments advanced and the evidence submitted to support the case for revocation...
- 1.6 ... Reinforcing the decision to revoke, the Licensing Sub-Committee applied strong weight to the statutory Home Office Guidance at sections 11.27 and 11.28 which states that revocation, even in the first instance, may be deemed appropriate in the event of serious criminality and actual crime and disorder taking place on licensed premises.
- 1.7 This was not the first time that these premises, in various guises, had been subject to review on account of serious criminal incidents occurring at the venue. We were further influenced by evidence of reported breaches of significant conditions, both over time as well as those evidenced on the night, particularly relating to controlling entry into the venue, that were said to have not been in compliance. If effectively managed, and indeed if the general management was properly exercised, the stabbing incidents which

directly led to this review might have been prevented and the licensing objectives not so undermined.

- 1.8 These management failures were deemed as major aggravating factors in persuading the sub-committee to arrive at its decision.”
- 1.9 The premises does not hold a premises licence.
- 1.10 A new premises licence application was received on 19 October 2015, and is also to be determined by this Licensing Sub-Committee.

2 **TEMPORARY EVENT NOTICE :**

- 2.1 On 8 December 2015 **Mr Agron Xhauri** (via Dadds Solicitors) gave notice to the Council in respect of a proposed event at the premises from 20:00 on Thursday 24 December 2015 to 03:30 on Friday 25 December 2015. The notice is for the provision of late night refreshment, supply of alcohol and regulated entertainment.
- 2.2 A copy of the Temporary Event Notice is attached as Annex 01.

3 **OBJECTION NOTICE :**

- 3.1 **Metropolitan Police:** The Police believe that allowing the premises to be used in accordance with the Temporary Event Notice will undermine the licensing objectives. On 10 December 2015 the Police gave an Objection Notice.
- 3.2 A copy of the Objection Notice is attached as Annex 02.
- 3.3 **Environmental Health Responsible Authority:** The authority believes that allowing the premises to be used in accordance with the Temporary Event Notice will undermine the licensing objectives. On 10 December 2015 the authority gave an Objection Notice.
- 3.4 A copy of the Objection Notice is attached as Annex 03.
- 3.5 The applicant has confirmed that he does not wish to withdraw the TEN application. However, if the committee are minded to grant the premises licence application at the hearing, the applicant will withdraw the TEN application.

4 **RELEVANT LAW, GUIDANCE & POLICIES :**

4.1 The paragraphs below are extracted from the Licensing Act 2003 ('Act').

General Principles :

4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

4.3 The licensing objectives are :

4.3.1 the prevention of crime and disorder;

4.3.2 public safety;

4.3.3 the prevention of public nuisance; &

4.3.4 the protection of children from harm [Act s.4(2)].

Decision :

4.4 Having heard all of the representations (from all parties) the Licensing Sub-Committee must, having regard to the Objection Notices, give the premises user a Counter Notice (to stop the event) if it considers it appropriate for the promotion of the licensing objectives to do so [Act s.105].

4.5 Where the Sub-Committee decides not to give a Counter Notice the Sub-Committee may impose one or more conditions on the TEN if: the Sub-Committee considers it appropriate for the promotion of the licensing objectives to do so; the conditions are also imposed on a premises licence that has effect in respect of the same premises; and the conditions would not be inconsistent with the carrying out of the licensable activities under the temporary event notice [Act s.106A].

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green on 020 8379 8543

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Enfield
Application for a Temporary Event Notice
Licensing Act 2003

For help contact
licensing@enfield.gov.uk
 Telephone: 020 8379 3578

* required information

Section 1 of 9

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes ☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

First name

AGRON

Family name

XHAURI

E-mail address

office@dadds.co.uk

Main telephone number

01277631811

Include country code.

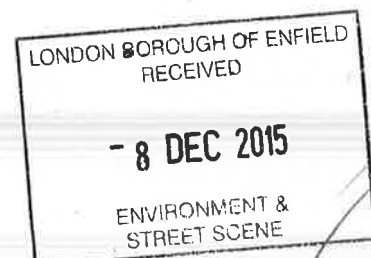
Other telephone number

☐ Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- ☐ Applying as a business or organisation, including as a sole trader
☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Upward

Continued from previous page...

Address

Building number or name	84 Barnes House
Street	220 St Mary's
District	Barking
City or town	London
County or administrative area	
Postcode	IG11 7SZ
Country	United Kingdom

Agent Details

First name	David
Family name	Dadds
E-mail address	office@dadds.co.uk
Main telephone number	01277631811
Other telephone number	

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Registration number	OC358152
Business name	Dadds LLP
VAT number	GB 101 5996 25
Legal status	Partnership
Your position in the business	Solicitor/Partner
Home country	United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

*Continued from previous page...***Agent Registered Address**

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 9**APPLICATION DETAILS (See also guidance on completing the form, general notes and note 1)**

Have you had any previous or maiden names?

☐ Yes☒ No

Your date of birth

 / /
 dd mm yyyy

Applicant must be 18 years of age or older

National Insurance number

This box need not be completed if you are an individual not liable to pay UK national insurance.

Place of birth

Correspondence Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Continued from previous page...

Additional Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail

Telephone number

Other telephone number

Section 3 of 9

THE PREMISES

I, the proposed user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry out a temporary activity at the premises described below.

Give the address of the premises where you intend to carry on the licensable activities or if it has no address give a detailed description (including the Ordnance Survey references). (See also guidance on completing the form, note 2)

Does the premises have an address?

☒ Yes

☐ No

Address

Is the address the same as (or similar to) the address given in section one?

☐ Yes

☒ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Does a premises licence or club premises certificate have effect in relation to the premises (or any part of the premises)?

☒ Neither

☐ Premises licence

☐ Club premises certificate

Location Details

Provide further details about the location of the event

Whole Premises to be used for functions for families over Christmas

If you intend to use only part of the premises at this address or intend to restrict the area to which this notice applies, give a description and details below (see also guidance on completing the form, note 3)

Whole Premises

Continued from previous page...

Describe the nature of the premises below (see also guidance on completing the form, note 4)

The premises agrees to abide by the following conditions for the duration of the TEN;

1. A 'Challenge 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
2. A written 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.
3. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
4. No alcoholic drinks or glass containers shall be taken outside at any time.
5. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 21:00 and 07:00.
6. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
7. The telephone number of an allocated taxi firm shall be displayed at the premises.
8. An agreement shall be made with the taxi firm for a suitable customer collection point so as to cause minimum disturbance to passing traffic and local residents.
9. Children under the age of 18 shall not be admitted to the premises unless they are accompanied by an adult.
10. The premises shall be used solely for pre-booked events. Customers shall not be able to pay for entry on the door.
11. The sale of alcohol shall only take place when ancillary to the use of the premises for substantial buffet or sit down meals.

Describe the nature of the event below (see also guidance on completing the form, note 5)

An event to provide licensable activities including regulated entertainment and the sale of alcohol by retail on the dates and times specified.

Section 4 of 9

LICENSABLE ACTIVITIES

State the licensable activities that you intend to carry on at the premises
(see also guidance on completing the form, note 6):

- ☒ The sale by retail of alcohol
- ☐ The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- ☒ The provision of regulated entertainment
- ☒ The provision of late night refreshment
- ☐ The giving of a late temporary event notice

Late notices can be given no later than 5 working days but no earlier than 9 working days before the event.

(See also guidance on completing the form, note 7).

Continued from previous page...

Event Dates

There must be a period of at least 10 working days between the date you submit this form and the date of the earliest event when you will be using these premises for licensable activities.

State the dates on which you intend to use these premises for licensable activities

(see also guidance on completing the form, note 8)

Event start date

24 / 12 / 2015
dd mm yyyy

The maximum period for using premises for licensable activities under the authority of a temporary event notice is 168 hours or seven days.

Event end date

25 / 12 / 2015
dd mm yyyy

State the times during the event period that you propose to carry on licensable activities (give times in 24 hour clock)

(see also guidance on completing the form, note 9)

from 20:00hrs on 24/12/2015 to 03:30 hrs on 25/12/2015

State the maximum number of people at any one time that you intend to allow to be present at the premises during the times when you intend to carry on licensable activities, including any staff, organisers or performers

(see also guidance on completing the form, note 10)

200

Note that the maximum number of people cannot exceed 499.

If the licensable activities will include the supply of alcohol, state whether the supplies will be for consumption on or off the premises, or both

(see also guidance on completing the form, note 11):

- ☒ On the premises only
☐ Off the premises only
☐ Both

Section 5 of 9

RELEVANT ENTERTAINMENT (See also guidance on completing the form, note 12)

State if the licensable activities will include the provision of relevant entertainment. If so, state the times during the event period that you propose to provide relevant entertainment

There will be no activity of this nature

Section 6 of 9

PERSONAL LICENCE HOLDERS (See also guidance on completing the form, note 13)

Continued from previous page...

Do you currently hold a valid personal licence?

☒ Yes ☐ No

Provide the details of your personal licence below.

Issuing licensing authority

LB Barking & Dagenham

Licence number

012100

Date of issue

26 / 05 / 2008
dd mm yyyy

Date of expiry

/ /
dd mm yyyy

Any further relevant details

Section 7 of 9**PREVIOUS TEMPORARY EVENT NOTICES** (See also guidance on completing the form, note 14)

Have you previously given a temporary event notice in respect of any premises for events falling in the same calendar year as the event for which you are now giving this temporary event notice?

☐ Yes ☒ No

Have you already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 8 of 9**ASSOCIATES AND BUSINESS COLLEAGUES** (See also guidance on completing the form, note 15)

Has any associate of yours given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Continued from previous page...

Has any associate of yours already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Has any person with whom you are in business carrying on licensable activities given a temporary event notice for an event in the same calendar year as the event for which you are now giving a temporary event notice?

☐ Yes ☒ No

Has any person with whom you are in business carrying on licensable activities already given a temporary event notice for the same premises in which the event period:

- a) Ends 24 hours or less before; or ☐ Yes ☒ No
- b) Begins 24 hours or less after the event period proposed in this notice?

Section 9 of 9**CONDITION (See also guidance on completing the form, note 17)**

It is a condition of this temporary event notice that where the relevant licensable activities described in Sections 4 and 5 above include the supply of alcohol that all such supplies are made by or under the authority of the premises user.

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

This formality requires a fixed fee of £21

DECLARATION (See also guidance on completing the form, note 18)

* The information contained in this form is correct to the best of my knowledge and belief. I understand that it is an offence:

- 1 * (i) to knowingly or recklessly make a false statement in or in connection with this temporary event notice and that a person is liable on summary conviction for such an offence to a fine not exceeding level 5 on the standard scale; and
- 1 * (ii) to permit an unauthorised licensable activity to be carried on at any place and that a person is liable on summary conviction for such an offence to a fine not exceeding £20,000, or to imprisonment for a term not exceeding six months, or to both.

☒ Ticking this box indicates you have read and understood the above declaration

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This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

Full name

Capacity

Date / /
 dd mm yyyy

[Add another signatory](#)

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...
2. Go back to <https://www.gov.uk/apply-for-a-licence/temporary-event-notice/enfield/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

OFFICE USE ONLY

Applicant reference number

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed ☐

< Previous 1 2 3 4 5 6 7 8 9 Next >

A Allin
8 December 2015
Angie Allin



Working together for a safer London

TERRITORIAL POLICING



Uniting against crime

Annex 02

Civic Centre
Silver Street
Enfield
EN1 3XA

METROPOLITAN POLICE SERVICE

Licensing Team
Enfield Borough Police
462 Fore Street
Edmonton
Middlesex

Date 09.12.15

Office : 0208 345 3322
Mobile :
Facsimile :

Dear Sir or Madam

In relation to the Temporary Event Notice (TEN) application WK/215064372 at Royal Venue, 1 Jute Lane, Enfield, EN3 7PJ. The Police would like to object on grounds of crime and disorder, public safety, protection of children from harm and public nuisance.

This venue has recently submitted a premise licence application. The Police have objected to this application on the grounds of all four of the licensing objectives. This is due to be heard by the Licensing Sub Committee on the 16th December 2015 at the Civic Centre, Silver Street, EN1 3XA.

This venue currently does not have a premise licence.

I note on the application that it states that the venue would abide by the following conditions for the duration of the TEN;

1. A 'Challenge 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
2. A written 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.
3. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
4. No alcoholic drinks or glass containers shall be taken outside at any time.
5. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 21:00 and 07:00.
6. A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.
7. The telephone number of an allocated taxi firm shall be displayed at the premises.
8. An agreement shall be made with the taxi firm for a suitable customer collection point so as to cause minimum disturbance to passing traffic and local residents.
9. Children under the age of 18 shall not be admitted to the premises unless they are accompanied by an adult.
10. The premises shall be used solely for pre-booked events. Customers shall not be able to pay for entry on the door.
11. The sale of alcohol shall only take place when ancillary to the use of the premises for substantial buffet or sit down meal.

However there is no premise licence at this venue so this cannot be enforced, as conditions can only be attached to a TEN at a venue that has a premise licence. This is not an option with this application.

What has been offered is also not sufficient to promote the licensing objectives.

This is a TEN application at a former nightclub. It is requesting hours for licensable activity namely the sale of alcohol, the provision of regulated entertainment and the provision of late night refreshment from 2000 hours until 0330 hours the following day.

The potential risk to public safety and instances of crime and disorder are high. This venue previously operated as a nightclub with these hours and offered the sale of alcohol and regulated entertainment as requested in this TEN, however even with the extra safety measures such as door staff, search wands, body searches, I.D scanning equipment and CCTV amongst others, there were still instances of serious crime and disorder. The risk to the public is made all the more clear with the final incident resulting in two people stabbed. One victim was stabbed inside and one victim stabbed just outside the venue.

As this is a TEN at a premise without a premise licence, if the applicant were to agree to add all of the extra safety conditions they cannot be enforced. This means that the police must put their trust solely in the applicant to do this. The applicants other venue in Enfield, Tirana 2 has recently failed three licensing visits in three months. The applicant is failing to promote the licensing objectives and committing criminal offences under the Licensing Act by operating in breach of his licence at this smaller venue.

The Police therefore have no confidence in the applicant to run this venue safely and responsibly.

The application states that no children will be admitted without being accompanied by an adult and that this is a function for families over Christmas. This suggests that children may be in attendance. There is no mention of safeguards to prevent access to children entering. There is also no mention of when children would be expected to leave if at all and what is due to take place inside whilst the event is operating.

This event is planned for Christmas eve going into the early hours of Christmas day. This is a public holiday and a time we know that young children and families look to enjoy waking early in the morning. With hours so late there is a real risk that the visiting patrons will make a noise nuisance either when they arrive and/or when they leave and this risk is exacerbated with the sale of alcohol so late. There is very limited parking space at this venue and as we know from previous experience this usually spills out into the residential side roads. The addition of children/families attending the event means there is a higher chance of private vehicles attending due to the use of child seats etc making the use of taxis less favourable. The nuisance caused to residents on a normal weekend was unbearable for some and the possibility of causing a nuisance on such an important day would only make this worse.

The Police contend that to grant this TEN would lead to a serious risk to the public. There is no way to attach conditions which would normally provide added safety. The hours on this TEN are also very late and give rise to suspicion that this will not be as suggested in the TEN as a family function. There is nothing that would stop this from being a promoted event and run as a nightclub. The TEN that has been applied for appears to have been applied for incase the premise licence is not granted.

Yours Sincerely

Gary Marsh
PC 475YE
Police Licensing Team
Edmonton Police Station
0208 345 3322

ENVIRONMENTAL HEALTH AUTHORITY REPRESENTATION

TEMPORARY EVENT – OBJECTION NOTICE

This representation is made on behalf of Enfield's Environmental Health Authority. I confirm that I am authorised to speak at any hearing on behalf of the Environmental Health authority. I am employed by the London Borough of Enfield as a Senior Environmental Health Officer-Health and Safety and Licensing. The London Borough of Enfield's Licensing Team exercise all of the Council's responsible authority functions under the Licensing Act 2003 in consultation with and on behalf of : the licensing authority; the local enforcement agency for the Health and Safety at Work etc Act 1974 etc; the local authority with responsibility for environmental health; the local planning authority; the body that represents those who are responsible for, or interested in, matters relating to the protection of children from harm; and the local weights and measures authority (trading standards).

Name and address of premises: Royal Venue,
1 Jute Lane,
EN3 7PJ

Type of Application: Temporary Event Notice (TEN) –Standard

I certify that I have considered the TEN application made on 8th December 2015 and that **I wish to make representations** that the likely effect of these TENs are detrimental to the Licensing Objectives for the following reasons:

Background History:

There is currently a Premises Licence application in progress. There is due to be a hearing on 16th December 2015 as the application received objections from the Police and the Licensing team is seeking to amend the hours of operation applied for, as there has been a history of crime and disorder and public nuisance associated with the premises.

Mr Agron Xhaur is the Applicant and the proposed Designated Premises Supervisor and the applicant for these TENs.

The TENs applied for are:

- 24th December 2015 from 20:00 to 25th December until 03:30

And to allow the supply of alcohol and regulated entertainment.

On behalf of Environmental Health, I am satisfied that allowing the premises to be used in accordance with these notices would undermine the licensing objectives, Prevention of Crime and Disorder and the *Prevention of Public Nuisance*.

In light of the close proximity to local residents, the potential for noise disturbance from customers attending the premises up until 03:30am and also dispersal of customers at such a late hour will be extremely high.

Given the history of the premises, it is also highly likely that there will be crime and disorder issues. Therefore, Environmental Health must object to these TEN applications. For further information, please refer to the full representation by the Licensing Authority for the new application.

Had the applicant applied for the premises to be open to the public until 00:30am instead of 03:30, it is likely that there would not have been an objection from Environmental Health.

I reserve the right to provide further information to support this representation.

Duly Authorised: Victor Ktorakis, Senior Environmental Health Officer - Licensing Enforcement

Contact: 0208 379 3602 or victor.ktorakis@enfield.gov.uk

Signed:

A handwritten signature in purple ink, appearing to read 'V. Ktorakis', with a stylized flourish at the end.

Date: 9/12/15