

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 16 August 2017 at 10.00 am  
Council Chamber, Civic Centre, Silver Street,  
Enfield, EN1 3XA

Contact: Jacqui Hurst/Elaine Huckell  
Committee Secretary

Direct : 020-8379-4096/3530

Tel: 020-8379-1000

Ext: 4096/3530

E-mail: [jacqui.hurst@enfield.gov.uk](mailto:jacqui.hurst@enfield.gov.uk) or  
[elaine.huckell@enfield.gov.uk](mailto:elaine.huckell@enfield.gov.uk)

Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

## SUPPLEMENTARY INFORMATION - AGENDA – PART 1

Please find attached supplementary information in respect of the following applications.

**3. INDIAN FUSION, 252A HIGH STREET, ENFIELD, EN3 4HB (REPORT NO.47) (Pages 1 - 4)**

Application for a variation of a Premises Licence.

**4. PONDERS END SMALLHOLDERS ASSOCIATION, 82A CHURCH ROAD, ENFIELD, EN3 4NU (REPORT NO.48) (Pages 5 - 10)**

Application for review of Club Premises Certificate.

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**MUNICIPAL YEAR 2017/18 REPORT NO.**

**COMMITTEE:**  
Licensing Sub-Committee  
16 August 2017

**REPORT OF:**  
Principal Licensing Officer

**LEGISLATION:**  
Licensing Act 2003

Agenda - Part	Item
<p><b>SUBJECT:</b> Variation of a premises licence</p> <p><b>PREMISES:</b> Indian Fusion, 252A High Street, ENFIELD, EN3 4HB</p> <p><b>WARD:</b> PONDERERS END</p>	

**1.0 SUPPLEMENTARY REPORT**

1.1 The premises licence holder, Mr Ajahar Ali submitted a representation on 7 August 2017, within the prescribed consultation period. This representation has been circulated to all Responsible Authorities and Other Persons who have made representations against the application.

1.2 Mr Ajahar's representation is now produced as Annex 8.

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

**Contact Officer:**  
Ellie Green on 020 8379 8543

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From: [REDACTED]

Sent: 07 August 2017 20:43

To: Ellie Green <Ellie.Green@Enfield.gov.uk>

Subject: Variation Licence Indian Fusion

FAO: Ellie Green

I have received correspondence with regards to my Variation Licence application from the police and a local resident, within the emails I would like to respond to a few key points.

1. The police have objected with regards to an incident that took place concerning a driver being intimidated by a group of youths. This sort of incident can happen during daylight hours and in many different circumstances. The majority of our orders are placed online and are paid for in advance. I believe that the police were concerned for the safety of our drivers carry cash ( for which we are grateful)

Another point which I'd like to point out, during our trading time here, in previous years , we noticed seedy goings on towards the rear of the residents buildings, drugs, drinking etc. at the walkway is usually dark and there are three bookies close by, however since our trail period started, as we have been present, this hasn't occurred.

2. A "concerned" resident ( Imran Ahmed) who is objecting is one of the proprietors of a similar fast food business, from what I am aware of he is not a resident ; therefore a conflict of interest is the concern. The named concerned business is 9 shops away at the other end of the parade; therefore it would be very difficult to even give the objection benefit of doubt.

I have spoken to residents who live within 2-3 shops fronts away above the shops and they seems puzzled when asking them about the late night noise, as they didn't even know that I was open late night. I have also submitted a confirmation letter with signatures from residents confirming that they have no objections in late night trading.

3. Further objections from another party via a legal associate have arisen concerning the mode of transport making the deliveries and the noise that this will cause. The average noise from a car starting up and driving away and retuning is very low, the local residents can confirm this, in addition the High street has double decker buses, emergency vehicles, and refuse trucks going up and down on a regular basis.

If you require any further information , please do not hesitate to contact me.

Kind Regards

Ajaha Ali

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**MUNICIPAL YEAR 2017/18 REPORT NO.****COMMITTEE:**

Licensing Sub-Committee  
16 August 2017

**REPORT OF:**

Principal Licensing Officer

**LEGISLATION:**

Licensing Act 2003 & Gambling Act 2005

Agenda - Part	Item
<p><b>SUBJECT:</b> Review of Club Premises Certificate</p> <p><b>PREMISES:</b> Ponders End Smallholders Association, 82A Church Road, ENFIELD, EN3 4NU.</p> <p><b>WARD:</b> Ponders End</p>	

1 **SUPPLEMENTARY REPORT**

- 1.1 The Licensing Authority referred to LA Appendix 8 in the Additional Information representation, but was unfortunately missed from the original bundle. It is now attached as Annex 10.
- 1.2 The Licensing Authority received an email from the Financial Conduct Authority on 9 August 2017, and is now produced as Annex 11, and would be LA Appendix 9.

**Background Papers:**

None other than any identified within the report.

**Contact Officer:**

Ellie Green on 020 8379 8543

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### **Ponders End and District Smallholders Association- advice**

There is a current dispute between the members of the above association. An internal dispute has led to a division between the members. The two groups are identified respectively as the 'original committee' (made by Linda Marsh and other members) and the 'new committee' (those who issued an application to review the association Club Premises Certificate).

The licensing department has contacted legal and has asked that we provide an advice as to the legitimacy of the new committee. The original committee has sought their own independent advice and their instructed barrister found that the new committee was not valid.

**I spoke to Charlotte this morning and advised her that I agreed with the barrister's advice and share the view that the new committee has no legal standing.**

My opinion is supported by the following facts:

- The new committee states that it was lawfully elected during a special general meeting which took place on 04 March 2017.
- However new committee members can only be elected during an AGM. During this AGM, the members must supply the year's audited account and elect new members (Rule 19). Those members should be nominated prior to the AGM taking place and during a Special General Meeting (Rule 24). Once the nomination has taken place, then the election takes place during an AGM.
- The members of the new committee are no longer members of the association as it seems that they have failed to pay their subscriptions fees which fell due on 31<sup>st</sup> January 2017. Fees must be paid within 3 months of the due date and of notice being given to them (Rule 9 (d)). I spoke with Charlotte and it seems that the relevant departments at the Council confirmed that no payments have been received from the new committee and therefore this would support the fact that their membership had ended.

The new committee has therefore failed to adhere to the Rules of the Club as the election of new members can only be done during an AGM and by existing members only. On that basis the new committee is not legitimate.

It has come to my attention that an AGM took place on 11 June 2017 and the members of the original committee were re-elected. Their re-elections were unopposed. The members of the new committee did not participate as they were no longer members.

I do not have any evidence to confirm whether the re-election of the original committee is currently valid and I have not been asked to comment on it. However I believe that this point needs to be explored as we have to be satisfied of the fact that the original committee has authority to respond to the review application at the hearing listed on 16 August 2017 in Council's chambers.

07<sup>th</sup> August 2017.

From: Mutual Societies [mailto:Mutual.Societies@fca.org.uk]

Sent: 09 August 2017 22:35

To: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>

Cc: Mutual Societies <Mutual.Societies@fca.org.uk>

Subject: RE: Ponders End Smallholders Assoc, 82A Church Road, ENFIELD, EN3 4NU [SEC=OFFICIAL] 21831/17

Good evening

Thank you for your email.

The FCA is the registrar of the mutual societies rather than the regulator of those societies. We do not regulate societies like Ponders End. This society is registered under the Co-operative and Community Benefit Societies Act 2014 (the Act). To remain registered a society must submit their annual return and accounts in accordance with the Act and their rules. A society must also continue to meet their condition for registration.

The public register, found here, shows that the society has complied with the requirement to submit annual returns and accounts however the 2016 return is now overdue.

I hope this answers your query.

Many thanks

Rebecca English

Associate/ Mutualls Team / Authorisations Division

Financial Conduct Authority

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London

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www.fca.org.uk

To find out more about our registration functions for mutual societies visit:  
<http://www.fca.org.uk/mutuals> or click here to view guidance on our registration function under the  
Co-operative and Community Benefit Societies Act 2014.

From: Charlotte Palmer [mailto:Charlotte.Palmer@enfield.gov.uk]

Sent: 01 August 2017 17:13

To: Mutual Societies

Subject: Ponders End Smallholders Assoc, 82A Church Road, ENFIELD, EN3 4NU [SEC=OFFICIAL]  
21831/17

FAO Karley Warner

Dear Karley,

I write further to our conversation about the above named club and their pending licence review.

The applicant is applying to have the Club Premises Certificate suspended. They state that they want the certificate to be suspended until the association complies with Financial Conduct Authority regulations and can prove that it is a financially viable business capable of meeting its financial commitments, demonstrated by up to date account and a cash flow.

Are you able to send me an email confirming that the club is currently complying with the FCA regulations and that whether or not they are financial viable is not something that would affect their registration with the FCA please?

If so it would be very useful if I could include this in my evidence to assist the Licensing Sub Committee in making their decision.

Many Thanks

Charlotte Palmer

Senior Licensing Enforcement Officer

Council Housing and Regulatory Services

Health, Housing and Adult Social Care

Enfield Council

Silver Street

Enfield

EN1 3XY

Tel: 0208 379 3965

Email: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)