

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 13 March 2019 at 10.00 am  
Council Chamber, Civic Centre, Silver Street,  
Enfield, EN1 3XA

Contact: Jane Creer  
Committee Secretary  
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Councillors : George Savva MBE (Chair), Anne Brown and Maria Alexandrou

## SUPPLEMENTARY AGENDA – PART 1

### 3. HOP POLES PUBLIC HOUSE, 320 BAKER STREET, ENFIELD, EN1 3LH (REPORT NO 201) (Pages 1 - 14)

Application for variation of a premises licence.

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**MUNICIPAL YEAR 2018/19 REPORT NO.**

**COMMITTEE :**  
Licensing Sub-Committee  
13 March 2019

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

Agenda - Part	Item
<b>SUBJECT:</b> Application for a variation of a premises licence	
<b>PREMISES:</b> Hop Poles Public House, Public House, 320 Baker Street, ENFIELD, EN1 3LH.	
<b>WARD:</b> Chase	

**1. SUPPLEMENTARY INFORMATION:**

- 1.1 Mediation has continued to take place between the applicant and the Responsible Authorities and can be seen in Annex 9 (Police) and Annex 10 (Licensing Authority).
- 1.2 Agreement on most conditions have been met, however, there are some conditions which remain outstanding. The final list of conditions is presented in Annex 11.
- 1.3 The hours sought by this application have been amended as per the table below, but still not agreed by the applicant and Responsible Authorities.

Activity	Current Times	Applied for Times, as amended	Times sought by the Responsible Authorities
Supply of Alcohol (on and off)	10:00 – 23:00 Mon – Wed 10:00 – 00:00 – Thurs – Sat 12:00 – 22:30 Sun	10:00 – 00:00 Sun – Thurs 10:00 – 02:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat
Recorded Music	00:00 – 00:00 everyday	09:00 – 00:00 Sun – Thurs 09:00 – 02:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat
Live Music	09:00 – 23:00 Mon – Wed 09:00 – 00:00 Thurs – Sat	09:00 – 00:00 Sun – Thurs 09:00 – 02:00 Fri – Sat	09:00 – 00:00 Sun – Thurs 09:00 – 01:00 Fri – Sat
Performance of Dance	09:00 - 23:00 Mon – Wed 09:00 – 00:00Thurs - Sat	No change	No change
Late Night Refreshment	23:00 – 23:00 Mon – Wed 23:00 – 00:30 Fri - Sat	23:00 – 23:30 Sun Rest – no change	23:00 – 23:30 Sun Rest of week – no change
Opening hours	00:00 – 00:00 everyday	09:00 – 00:30 Sun – Thurs 08:00 – 02:30 Fri - Sat	10:00 – 00:30 Sun – Thurs 10:00 – 01:30 Fri - Sat

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

**Contact Officer :**  
**Ellie Green on 020 8379 8453**

**ADDITIONAL INFORMATION: DISCUSSION BETWEEN APPLICANT & POLICE**

**From:** George Domleo  
**To:** 'Karen.StafF

Dear Karen

I have now taken our client's instructions on your representation and we have the following comments.

We would be happy to accept the following conditions:-

1. *"An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:*
  - a) *all crimes reported to the venue*
  - b) *all ejections of patrons*
  - c) *any complaints received*
  - d) *any incidents of disorder*
  - e) *any faults in the CCTV system or searching equipment or scanning equipment*
  - f) *any visit by a relevant authority or emergency service*

This would replace our proposed condition 3

2. *A minimum of two **SIA registered** door supervisors shall be employed on the premises on Friday and Saturday from 21.00 until the premises has closed whenever regulated entertainment is taking place. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door supervisors to be easily identifiable by either wearing reflective jackets or reflective armbands*

This would replace our proposed condition 5

3. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

We submit that your proposed CCTV condition is not appropriate at this stage. This condition goes towards operating the premises which as I am sure you are aware conditions should not do. It would also require all bar staff to be trained in operating the CCTV which could be an operational issue if one bar staff member is stealing money from the till and if they know how to work the CCTV system they could wipe the footage.

We do not wish to reduce the proposed terminal hour for licensable activities on Friday and Saturday. Within your representation you advise that there are no issues with these premises from a crime and disorder perspective. In any event we are still proposing a condition requiring a minimum of 2 door supervisors to be on the premises on Friday and Saturday from 21.00 until the premises has closed whenever regulated entertainment is taking place. There is no door staff condition currently attached to the Premises Licence so this is an improvement and will assist the premises in dealing with any crime and disorder issues. The Licensing Authority within their representation are pleased with the introduction of door supervisors.

We submit that the proposed conditions contained within the application plus the 3 above are appropriate and proportionate and will allow the premises to uphold the licensing objectives. Any additional conditions or reduction in proposed hours at this stage is not required.

Once you have reviewed the above please let me know if you are happy with these amendments and wish to now withdraw your representation.

If you want to give me a call to discuss please do.

Kind regards

George

**George Domleo**  
Solicitor  
Licensing

**Flint Bishop LLP** St. Michael's Court, St. Michael's Lane, Derby,  
DE1 3HQ



**From:** Karen.Staff@met.police.uk  
**To:** George.Domleo@flintbishop.co.uk

Good Afternoon

Thank you for your email and for advising me of your clients instructions.

Regarding the CCTV – your clients have offered that there will be one member of staff on duty that can work the CCTV – I will accept that. The only reason I asked for all staff be trained is that it covered all eventualities – but happy to go with your clients offer.

The reason our CCTV condition is written the way it is, is to ensure the system does it's job by helping to establish any crime and help identify any suspects. This benefits your client as well as the Police. We have found that a lot of systems do not have clear images or the cameras are not placed to get the best view. If your clients have an up to date digital system and have it regularly maintained then hopefully they will get the benefit from it when needed. As your client has offered their own condition Police would not take a case to a hearing for this reason alone and any extra conditions can be requested or applied for should any issues arise in the future.

Therefore, the only part left of the application that the Police are objecting to is the end times – I still have concerns for such a late finish due to the venue being in such close proximity to residential properties and the impact the noise of customers leaving could make to those living close by.

I understand there are resident objections as well as the Licensing authority objecting to the times so believe it is fair that the decision is made at a hearing.

Kind Regards

**PC Karen Staff**

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**ADDITIONAL INFORMATION: DISCUSSION BETWEEN APPLICANT &  
LICENSING AUTHORITY**

**From:** George Domleo

**To:** Charlotte Palmer

Dear Charlotte

I have now taken our client's instructions on your representation and we have the following comments:-

We would be happy to make the following amendments to our application:-

1. Permit opening hours on Sunday to Thursday from 08:00 to 00:30 the following day; and on Friday and Saturday from 08:00 to 02:30 the following day
2. Permit recorded music on Sunday to Thursday from 09.00 to midnight and on Friday and Saturday from 09:00 to 02:00 the following day
3. Full training shall be provided to all staff on commencement of employment relating to prevention of underage sales of alcohol, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk. Refresher training shall be provided at regular intervals – at least every 6 months. Records detailing the training provided shall be kept on the premises for a minimum of 12 months and be made available for production upon request by the Police and other officers of Responsible Authorities – This would replace our proposed condition 1
4. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. Records shall be kept at the premises for at least 12 months – This would replace our proposed condition 2
5. Where SIA registered door supervisors are used at the premises, a record must be kept of their name, SIA registration number and the dates and times when they are on duty. Records shall be kept at the premises for at least 12 months. – This would replace our proposed condition 7
6. When regulated entertainment is taking place, hourly boundary noise checks shall be conducted. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. Records detailing the sound checks and any required action shall be maintained and retained on the premises for at least 12 months. – This would replace our proposed condition 11

We are not willing to accept your amended proof of age scheme condition nor the request for a noise limiter at this stage. We submit that the proposed conditions contained within our application and the amendments above are appropriate given the style and nature of the premises. We are proposing updated and appropriate

conditions with the inclusion of door supervisors and putting other measures in place which will ensure the premises promote the licensing objectives.

Once you have reviewed the above please let me know if you are happy with these amendments and wish to now withdraw your representation.

If you want to give me a call to discuss please do.

Kind regards

George

**George Domleo**

Solicitor

Licensing

**Flint Bishop LLP** St. Michael's Court, St. Michael's Lane, Derby,  
DE1 3HQ

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**From:** Charlotte Palmer  
**To:** George Domleo

Dear Mr Domleo,

Thank you for your email. I am pleased to see some of the conditions are agreed.

The Licensing Authority is also pleased to see that opening hours and recorded music hours have been offered. The Licensing Authority agrees to the start times on all days but still objects to the end times on Friday and Saturdays.

The Licensing Authority still recommends that the sound limiter conditions be attached to the licence. The current licence includes the following condition:

8. Any musical equipment used for entertainment purposes must be connected to a sound system that is operated by the licensee or appointed person from behind the bar area.

If your client wants to offer an alternative to the conditions recommended or the existing condition please let me know. I am aware that residents have also raised concern about noise escape from the premises.

In relation to the age verification conditions it is worth pointing out that the following is now a mandatory licence condition:

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -  
(a) a holographic mark, or  
(b) an ultraviolet feature.

The current conditions is:

15. The premises must operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

Our suggested version does not specify the types of ID as we feel this is now covered by the mandatory condition. The council promotes 'Think 25'. The wording of our condition would allow the premises to use Think 21 instead as it is a similar scheme. Displaying a poster showing which scheme is used can help defuse confrontation for staff when asking for ID as customers will be aware of the scheme being used.

Kind Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer

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**Revised Proposed Conditions arising from Application**

**Annex 1 - Mandatory Conditions**

**The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.**

**Annex 2 - Conditions consistent with the Operating Schedule**

**CONDITIONS AGREED BY APPLICANT & RESPONSIBLE AUTHORITIES:**

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. Full training shall be provided to all staff on commencement of employment relating to prevention of underage sales of alcohol, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk. Refresher training shall be provided at regular intervals - at least every **6** months. Records detailing the training provided shall be kept on the premises for a minimum of 12 months and be made available for production upon request by the Police and other officers of Responsible Authorities.
3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. Records shall be kept at the premises for at least 12 months.
4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
  - (a) all crimes reported to the venue
  - (b) all ejections of patrons
  - (c) any complaints received
  - (d) any incidents of disorder
  - (e) any faults in the CCTV system or searching equipment or scanning equipment
  - (f) any visit by a relevant authority or emergency service
5. A minimum of two SIA registered door supervisors shall be employed on the premises on Friday and Saturday from 21:00 until the premises has closed whenever regulated entertainment is taking place. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. Door supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

6. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises have closed to ensure the safe and quiet dispersal of patrons.
7. Where SIA registered door supervisors are used at the premises, a record must be kept of their name, SIA registration number and the dates and times when they are on duty. Records shall be kept at the premises for at least 12 months.
8. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Signs will be prominently displayed advising customers that they are being filmed on CCTV. The system will cover all entry and exit points, all of the licensed area and any external seating area. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the entire 28-day period.
9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV or data with the absolute minimum of delay when requested.
10. All external doors and windows shall be kept closed when regulated entertainment is taking place inside the premises, except in the event of an emergency and to permit access and egress.
11. When regulated entertainment is taking place, hourly boundary noise checks shall be conducted. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. Records detailing the sound checks and any required action shall be maintained and retained on the premises for at least 12 months.
12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents and leave the premises and area quietly.
13. The rear beer garden shall be closed at 23:00. An external area may be designated for the use of smokers from 23:00 until closing time. No alcoholic drinks or glass containers shall be permitted to be taken into the designated smoking area during this time. The designated area shall be adequately supervised so as not to cause a nuisance. Notices shall be displayed in the area requiring patrons to respect the needs of local residents and to use the area quietly.
14. Customers shall not be permitted to remove from the premises any drinks supplied by the premises in open containers unless to an external drinking area set aside for consumption.
15. Children under the age of 18 years must be accompanied by an adult over the age of 18 years at all times whilst on the premises and must be off the premises by 23:00 hours, unless attending a pre-booked private function.

16. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

**CONDITIONS NOT AGREED BETWEEN APPLICANT & LICENSING AUTHORITY:**

**Offered by Applicant:**

17. On Friday and Saturday nights there shall be a last entry time of **01:00**, the only exception being for those customers who have gone to the designated smoking area to smoke.

**Licensing Authority request condition be changed to:**

- 17a. On Friday and Saturday nights there shall be a last entry time of **00:00**, the only exception being for those customers who have gone to the designated smoking area to smoke.

**Offered by Applicant:**

18. A Challenge 21 proof of age scheme shall be operated at the premises where the only acceptable forms of identification are recognised photographic identification cards, such as a driving licence, passport or proof of age card with the PASS Hologram.

**Licensing Authority request condition be changed to:**

- 18a. **The Local Authority or similar** proof of age scheme shall be operated at the premises **and relevant material shall be displayed at the premises.**

**ADDITIONAL CONDITIONS SOUGHT BY LICENSING AUTHORITY, NOT AGREED:**

19. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.
20. Prior to the commencement of any live /recorded music staff shall check that all amplified equipment to be used is connected to the noise limiter. Records of these checks shall be documented and records kept for 6 months.
21. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
22. All performers/DJs shall use the noise limiter installed and shall sign a document agreeing to connect all amplified equipment to the noise limiter throughout their performance. These documents shall be retained by the premises for 6 months.

Performers/DJs shall be briefed prior to events taking place with regard to maximum sound levels.

**Annex 3 - Conditions attached after a hearing by the Licensing Authority**

**Not applicable**