

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 4 October 2017 at 10.00 am  
Council Chamber, Civic Centre, Silver Street,  
Enfield, EN1 3XA

Contact: Jane Creer  
Committee Secretary  
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Tel: 020-8379-1000  
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Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

Councillors : Chris Bond (Chair), George Savva MBE and Jim Steven

## AGENDA – PART 1

### 1. WELCOME AND APOLOGIES FOR ABSENCE

### 2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

### 3. BLUEWATER FISH & KEBABS, 11 CHASE SIDE, LONDON N14 5BP (REPORT NO. 74) (Pages 1 - 36)

Application for a new Premises Licence.

***N.B. THIS ITEM IS NO LONGER PART OF THE HEARING DUE TO AN AGREEMENT BEING MADE BETWEEN THE APPLICANT AND RESPONSIBLE AUTHORITIES***

### 4. ON BROADWAY, 765 GREEN LANES, LONDON, N21 3SA (REPORT NO. 75) (Pages 37 - 80)

Application for a Variation of a Premises Licence.

### 5. MINUTES OF PREVIOUS MEETING (Pages 81 - 92)

To receive and agree the minutes of the meeting held on Wednesday 16 August 2017.

### 6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local

Government (Access to Information) (Variation) Order 2006).  
(There is no part 2 agenda)

**MUNICIPAL YEAR 2017/18 REPORT NO.74**

**COMMITTEE:**  
Licensing Sub-Committee  
4 October 2017

**REPORT OF:**  
Principal Licensing Officer

**LEGISLATION:**  
Licensing Act 2003

Agenda - Part	Item
<p><b>SUBJECT:</b> Application for a new premises licence</p> <p><b>PREMISES:</b> Bluewater Fish &amp; Kebabs, 11 Chase Side, LONDON, N14 5BP</p> <p><b>WARD:</b> Southgate</p>	

**1.0 LICENSING HISTORY**

- 1.1 Bluewater Fish & Kebabs has not previously held a premises licence, nor has any previous at this address.
- 1.2 The premises has not applied for any Temporary Event Notices (TENs).
- 1.3 A copy of the location plan is attached as Annex 1.

**2.0 THIS APPLICATION:**

- 2.1 On 22 June 2016, an application was made by **Yasemin Sonmez** for a new premises licence. The application seeks:
  - 2.1.1 Hours the premises are open to the public: 11:00 to 04:00 daily.
  - 2.1.2 Late night refreshment (indoors): 23:00 to 04:00 daily.
- 2.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 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 2 and the plan is attached as Annex 3.

**3.0 RELEVANT REPRESENTATIONS:**

- 3.1 **Metropolitan Police:** Representation is made on the grounds of the prevention of crime and disorder and prevention of public nuisance. The Police considers that it is appropriate to object to the application in its entirety.
- 3.2 A copy of the representation is attached as Annex 4.

3.3 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation is made on the grounds of the prevention of public nuisance, prevention of crime and disorder and protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives to object to the full hours sought. A reduction of proposed hours and additional conditions are recommended.

3.4 A copy of the representations is attached as Annex 5a and 5b.

#### 4.0 **PROPOSED LICENCE CONDITIONS**

4.1 The applicant offered conditions in Section M of the application form. Should the licence be granted in part or in full, the Responsible Authorities seek conditions be attached to the licence. All conditions can be seen together in Annex 6. No indication of agreement to the conditions has been made by the applicant at the time this report was prepared.

#### 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 March 2015 ('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)].

##### **Cumulative Impact Policy:**

5.5 The applicant premises/club premises is located in the Southgate Cumulative Impact Policy Area [Pol s.9.22/23].

5.6 The application is for a new premises licence [Pol s.9.22/23].

5.7 The application is subject to a relevant representation [Pol s.9.22/23].

- 5.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.22/23].
- 5.9 The Core Hours for this application are:
- 6.9.1 Late night refreshment: Monday to Sunday 23:00 to 24:00 [Pol s.9.24.4]:
- 6.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.23].
- 6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.35].

**Hours:**

- 6.12 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. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].
- 6.13 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].

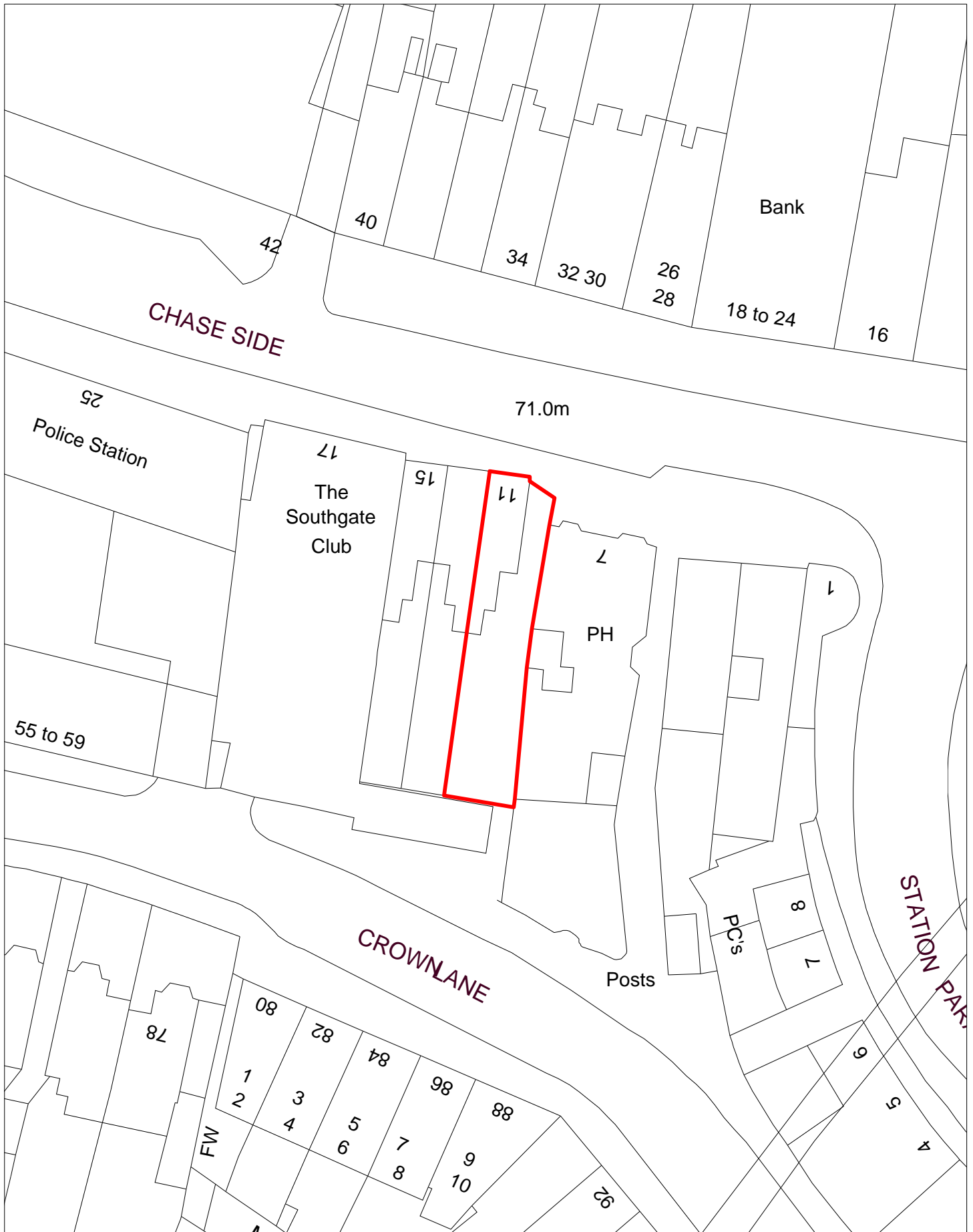
**Decision:**

- 6.14 As a matter of practice, licensing authorities 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. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. [Guid 9.36].
- 6.15 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:
- 6.15.1.1 the steps that are appropriate to promote the licensing objectives;
  - 6.15.1.2 the representations (including supporting information) presented by all the parties;
  - 6.15.1.3 the guidance; and
  - 6.15.1.4 its own statement of licensing policy [Guid 9.37].

- 6.16 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:
- 6.16.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 6.16.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 6.16.3 to refuse to specify a person in the licence as the premises supervisor;
  - 6.16.4 to reject the application [Act s.18].

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

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



**Bluewater Fish & Kebabs, 11 Chase Side, LONDON, N14 5BP**

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LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET,  
ENFIELD, EN1 3XE  
www.enfield.gov.uk



Drg.No. 6900ER  
File ref.  
Scale 1:500 @ A4  
Date 27/07/17

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£190  
**ENFIELD**  
Council



WKA21E019299

**London Borough of Enfield**

**Application for a premises licence to be granted under the Licensing Act 2003**

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the Notes for Guidance at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We YASMIN SONMEZ  
(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

**Part 1 - Premises details**

Blue water

Postal address of premises or, if none, ordnance survey map reference or description
<u>11 CHASE SIDE LONDON N14</u>

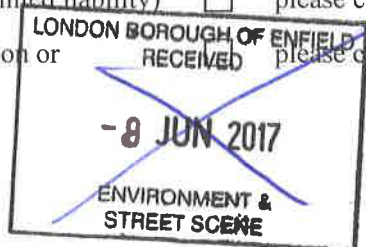
Post town	<u>N14 LONDON</u>	Postcode	<u>N14 5BP</u>
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Telephone number at premises (if any)	[REDACTED]
Email address	[REDACTED]
Non-domestic rateable value of premises	<u>£ 16,450</u>

**Part 2 - Applicant details**

Please state whether you are applying for a premises licence as Please tick as appropriate

- a) an individual or individuals \*  please complete section (A)
- b) a person other than an individual \*
  - i as a limited company/limited liability partnership  please complete section (B)
  - ii as a partnership (other than limited liability)  please complete section (B)
  - iii as an unincorporated association or  please complete section (B)



- iv other (for example a statutory corporation)  please complete section (B)
- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales  please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

\* If you are applying as a person described in (a) or (b) please confirm (by ticking yes to one box below):

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname <b>SONMEL</b>			First names <b>YASEMIN</b>		
[Redacted]		[Redacted]		<input checked="" type="checkbox"/>	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]	[Redacted]
Daytime contact telephone number		[Redacted]			
E-mail address		[Redacted]			



**Part 3 Operating Schedule**

When do you want the premises licence to start?

DD	MM	YYYY
08	06	2017

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(please see sections 1 and 14 and Schedules 1 and 2 to the Licensing Act 2003)

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

## I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon	23:00	04:00	<u>Please give further details here</u> (please read guidance note 4)		
Tue	23:00	04:00			
Wed	23:00	04:00	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur	23:00	04:00			
Fri	23:00	04:00	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	04:00			
Sun	23:00	04:00			

□□□□

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 9).**

L

<b>Hours premises are open to the public</b> Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)	
Day	Start	Finish	<p style="text-align: center; font-size: 2em;">N/A.</p> <p style="text-align: center; font-size: 2em;">N/A.</p>	
Mon	11:00 am	04:00 am		
Tue	11:00 am	04:00 am		
Wed	11:00 am	04:00 am		
Thur	11:00 am	04:00 am		
Fri	11:00 am	04:00 am		
Sat	11:00 am	04:00 am		
Sun	11:00 am	04:00 am		
				<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)

**M** Describe the steps you intend to take to promote the four licensing objectives:

a) **General** – all four licensing objectives (b, c, d and e) (please read guidance note 10)

~~ADDITIONAL REQUIREMENTS~~  
THE APPLICATION IS MAINLY FOR THE  
PURPOSE OF OPENING @ HOURS BETWEEN  
11:00 AM TO 4:00 AM.

b) **The prevention of crime and disorder**

A DIGITAL CCTV SYSTEM WILL BE INSTALLED  
IN THE PREMISES

c) **Public safety**


AT LEAST TWO MEMBERS OF STAFF  
SHALL BE PRESENT ON THE TOP FLOOR OF  
THE PREMISES AT ALL TIMES THE PREMISES  
ARE OPEN FOR LICENSABLE ACTIVITY.

d) **The prevention of public nuisance**


THE MANAGEMENT SHALL MAKE SUBJECTIVE  
ASSESSMENTS OF NOISE LEVELS AND ENSURE  
THAT NOISE FROM THE PREMISES DOES NOT CAUSE  
A DISTURBANCE TO LOCAL RESIDENTS.

e) **The protection of children from harm**

ANY CHILDREN ON THE PREMISES AFTER 19:30 MUST  
BE ~~PROHIBITED FROM~~ THERE FOR THE  
PURPOSE OF CONSUMING A SUBSTANTIAL TABLE  
MEAL AND BE ACCOMPANIED BY AN ADULT.

	doing work relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	
Date	08-06-2017
Capacity	LEASEHOLDER.

**For joint applications, signature of 2<sup>nd</sup> applicant or 2<sup>nd</sup> applicant's solicitor or other authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	08-06-2017
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 14)

Post town		Postcode	
Telephone number (if any)			
E-mail address (optional)			

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EXISTING and PROPOSED  
GROUND FLOOR PLAN

- Notes:
1. This drawing is not for construction
  2. All dimensions are in millimetres
  3. Dimensions are not to be worked directly from drawings
  4. All dimensions are to be checked on site and
  5. All contractors to be advised of any discrepancies before construction commences
  6. All references to drawings refer to correct version of full drawing
  7. The Copyright in this drawing belongs to Jack Planning & Licensing



Client: Mrs. Mercan Oksuz	
Address: 11 Chase Side London N14 5BP	
Existing & Proposed Floors Plan	
SCALE: Unreduced	REF. NO: 13815/01
DATE: Mar. 05	DRG BY: LB
 <b>PLANNING LICENSING CONSULTANCY</b>	
108 Grand Parade, Green Lanes, Haringey, London N4 1LG	
Telephone:	0203 8809 2320
Mobile:	0776 4241 0527
E-Mail:	info@archpl.co.uk
Website:	www.archpl.co.uk

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## Annex 4

**POLICE REPRESENTATION**

**Name and address of premises:** Blue Water  
11 Chase Side  
Southgate  
N14 5RP

**Type of Application:** New Premises

**Worksheet number:** WK/217019299

**The Application**

This is an application for a premises licence to provide late night refreshment (LNR) as follows;

	Monday to Sunday
LNR	23:00 – 04:00
Opening hours	11:00 – 04:00

**Location**

This venue is situated within a very busy high street near to Southgate Tube Station. There are a number of residential flats above the shops in the street.

**History**

I have researched Police crime and intelligence systems relating to this premises for the last twelve months with a negative result.

**Cumulative Impact Policy**

London Borough of Enfield

**Licensing Act 2003**

Licensing Policy Statement (Fifth Edition 28<sup>th</sup> January 2015)

- 9.21 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 9.22 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when subject to relevant representations, be subject to the presumption against grant that is **implicit** in a cumulative impact policy.

This premise is within Enfield Boroughs Cumulative Impact Policy area. Hours sort are outside the limits set out and as such, section 9.22 refers.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As outlined in the Cumulative Impact Policy, this area is already is of concern in relation to crime and disorder and public nuisance. I am of the firm belief that if this premises were to be permitted to remain open and provide late night refreshment until 04:00 hours seven days a week in this location, it would very likely lead to increased incidents of crime & disorder and public nuisance.

Police therefore object to the granting of this licence application in its entirety.

**In summary I wish to make representation on the following:**

- Prevention of crime & disorder
- The prevention of public nuisance

If this application were granted in full or part, I would recommend that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

**CCTV**

CCTV is an essential ingredient in deterring crime and gathering evidence if crime is committed; therefore Police request the following condition is applied to the premises licence to ensure quality performance.

Condition 1

A digital CCTV system must be installed in the premises complying with the following criteria:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
4. Provide a linked record of the date, time, and place of any image.

5. Provide good quality images.
6. Operate under existing light levels within and outside the premises.
7. Have the recording device located in a secure area or locked cabinet.
8. Have a monitor to review images and recorded picture quality.
9. Be regularly maintained to ensure continuous quality of image capture and retention.
10. Have signage displayed in the customer area to advise that CCTV is in operation.
11. Digital images must be kept for 28 days.
12. Police or authorised local authority employees will have access to images at any reasonable time.
13. All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.
14. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.

### **LNR**

Last orders to be accepted by 03:50 hours.

A member of staff shall stand at the entrance to the premises from 03:50. Their role will be to;

- Advise customers of the time of the last food order
- Prohibit the entry of any further customers into the premises.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

[Martyn.Fisher@Enfield.Gov.uk](mailto:Martyn.Fisher@Enfield.Gov.uk)

Date: 20<sup>th</sup> July 2017

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Annex 5a



### LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

**Name and address of premises:** Bluewater Fish & Kebabs  
11 Chase Side  
London  
N14 5BP

**Type of Application:** New Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

This is a new application for a takeaway/restaurant to provide licensable activities as detailed below:

Activity	Proposed Times
Opening hours	11:00 - 04:00 Everyday
Late Night Refreshment	23:00 – 04:00 Everyday

### Background

**27/05/17** – 00:34 – Out of Hours Noise team (PH) received a complaint alleging that the premises opened earlier that week under new management selling late night refreshment without a premises licence. Officers visited the premises which was trading and spoke to Ms Sonmez who claimed they had applied for a licence via their solicitor and that the previous owner use to trade until 00:00 and she intended to trade until 01:00.

**06/06/17** – Officer (PH) called Ms Sonmez and advised her that there is no current licence and that no application was pending. Advised she must not sell hot food or hot drink after 23:00. (An application for the premises had been submitted but was returned by the Licensing Team as the wrong application had been submitted. Sent with the returned application were details of what application was required).

**17/06/17** - 00:20 - 00:30 - Licensing Enforcement Officers (EVG/CPX) visited the premises to see if it was trading after 23:00. Premises was open and trading, lights on, door open, kebab meat cooking. One male was served whilst Officers were inside the

premises and another entered but Officers advised he could not be served. Owner claimed they had a licence and showed officers the menu which said they opened until midnight - advised they are not licensed yet and cannot hand over any hot food or hot drink after 23:00 until they have a licence permitting them to do so. EVG spoke a female (believed to be owner's wife) on the phone and explained situation to her too. Advised to close now. Agreed to do so. Inspection report completed and copy given to staff. **See Appendix 1.**

**24/06/17** – 00:02 – 00:30 - Out of Hours Noise Officer (JI) carried out observations of the premises to see if they were trading after 23:00. On arrival the premises was open, with lights on and staff inside but no customers. At 00:09 a male was seen taking a waste bag onto the street. At 00:10 one customer walked into the premises, the officer walked to the front of the premises and witnessed the customer ordering food and one of the two staff serve him a portion of chips. The customer was seen handing over money and taking the change. The customers walked out eating the chips at 00:11. At 00:14 another male walked in and ordered food, he was given an open bag of chips, he was seen handing over money but the officer could not see if he was given any change. The customer walked out eating from the open bag at 00:15. At 00:20 one female walked into the premise but only talked to staff giving them a piece of paper which the member of staff starting reading. The female walked out without food. The officer left the site at 00:30. The premises was still open, door open, lights on, food on display including doner meat.

**26/06/17** – Warning email sent to applicant following trading without a licence. **See Appendix 2.**

**30/06/17** - Licensing Enforcement Officers (VPK/CPX) visited the premises to see if it was trading after 23:00. 23:25 - arrived outside the premises which appeared to be open and trading. The door was open the lights were on and doner meat could be seen cooking. One officer (VK) left the vehicle and entered the premises to attempt a late night refreshment test purchase. A portion of chips was sold to him by Mr Coban for £1.50 at 23:30. The officer returned to the vehicle to advise the other officer of the sale and then both officers returned to the premises and issued a Notice of Alleged Offence – **See Appendix 3.** Mr Coban claimed that they had a licence until midnight and that the previous owners of the premises had traded until midnight. He was advised again that the premises did not have a licence and must not sell hot food or hot drink after 23:00. He also claimed that officers had advised him that he could trade until 00:00. He was told that this was not the case and not what had been written on the previous inspection reports that he had signed. His English was not very good so a young girl behind the counter assisted him by writing the word 'Manager' on the Notice Of Alleged Offence' form in the 'Position' Box. The Officers left the premises as one of the staff started to clean up. There was a male and a female sitting in the shop sharing a portion of chips at a table. When the officers left they noticed that the Out of Hours Noise Team (MW) who had also been tasked to carry out observations of the premises were outside. The Officers advised her that an unlicensed sale had just been made. The Licensing Enforcement Officers left the area at approximately 23:55. As they drove past the premises the young female who had helped complete the form was standing at the door watching them leave. The officers felt the premises might ignore the advice and reopen once they had left so decided they would return later on to double check. However at 00:02 the Officers receive a phone call from the Noise Officer, who had remained outside the premises, advising them that the premises was still open and that they had just witnessed a further sale. The Officers asked the Noise Officer to enter the premises to make Mr Coban aware that this further sale had been witnessed. The Noise Officer went into the shop and spoke to Mr Coban and the



young lady who identified herself as his daughter. The Officer asked him he was still serving food after 23:00 despite just being served a Notice of Alleged Offence by the Licensing Enforcement Team. The man replied that it was just one piece of fish and he sold it cheap instead of throwing it away. The Officer advised him to take the remaining meat from the display chiller, turn the light down and closed the door so that potential customers did not come in for food. He did this straight away.

**04.07.17** – Letters sent to applicant and seller inviting them in for a PACE Interview under caution on Monday 24<sup>th</sup> July in relation to the alleged offences.

**14.07.17** – 23:15 - Licensing Enforcement Officers (EVG/CPX) visited the premises to see if it was trading after 23:00. Parked outside premises as a male entered the premises. Front door in open position and lights on. Doner meat not on display. Male came out of premises with a drink looked out and went back inside. Came back out a minute or so later eating what looked like a sausage. He got into a car that was parked outside and drove away. Moved car forward so could see staff inside. One male cleaning doner meat area. Mr Coban also seen standing behind the counter further up. 23:21 - door still open but light outside door now off. Just about to leave when two females entered the premises and went toward the back of the restaurant. They came out at 23:30 without buying anything - may have just used the bathroom. Door still open at 23:31. Officers left area.

### **Location**

This premises is located on a commercial street, however there are residential properties above some of the shops in the parade and also above the shops opposite. The Licensing Authority is concerned about noise from those arriving at and leaving the premises during the early hours of the morning.

### **Cumulative Impact Policy (CIP)**

This premises is located in one of the Enfield Council's Cumulative Impact Policy Areas.

The CIP came into force in April 2012 and relates to all new and variation applications and states that the core hours granted for this type of premises in this particular location should not exceed the following:

Late night refreshment:  
Monday to Sunday 23:00 – 24:00

The hours applied for exceed those of specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance. In these circumstances the onus falls upon the applicant to make the case to demonstrate that there would be no negative impact on the area if the application were to be granted.

**I wish to make representation on the following:**

- **Protection of Children from harm**
- **Prevention of Nuisance**

- **Prevention of Crime and Disorder**

The recent complaint, observations, repeated alleged illegal trading and ignored warnings has left the Licensing Authority with no confidence in those running this premises.

A prosecution is currently pending in relation to unlicensed late night refreshment. The applicant has left the Licensing Authority with no choice but to object to this application in its entirety.

If the applicant can't comply with Licensing legislation at a time when they are trying to prove that they should be granted a late licence then the Licensing Authority has very little confidence that they will comply with the conditions should any licence be granted.

If the Licensing Sub Committee decides to grant this application in full or part I recommend that the following conditions be attached to the licence in order to fully promote the licensing objectives:

1. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.
2. All training relating to the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
3. Staff shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
4. 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.
5. At least two members of staff shall be in the premises at all times that the premises is open for licensable activities.  
*(offered by applicant)*
6. Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult.  
*(offered by applicant)*

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

If the conditions were accepted in full I WOULD NOT withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

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

Signed:

A handwritten signature in cursive script, appearing to read "Palmer".

Date: 20/07/2017

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REF: WK/217015433

LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	Blue Water fish + chips	
Premises Address	11 Chase Side, Southgate, N14 5BP	
Time of Visit:	Start: 00.20	Finish:

During an inspection of your premises on ..... Friday 17th June ..... 2017 ....., the following was checked:

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
	<p>Visit to premises to see if trading after 23.00 - premises currently unlicensed so all sales of hot food &amp; hot drink must stop at 23.00 - that is the last time it can be handed over to customers not last order time. Food still being served when officers arrived at 00.20. This is a criminal offence.</p>

Any other matter(s) that need addressing: .....

.....

.....

.....

.....

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: <i>Palmer</i>	Signature: <i>Imam Coban</i>
Print Name: CHARLOTTE PALMER	Print Name & Position: Imam Coban
Email/Tel: 0208 379..3965..... ..Charlotte.Palmer.....@enfield.gov.uk	Email/Tel: [REDACTED]

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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## Appendix 2

**From:** Charlotte Palmer  
**Sent:** 26 June 2017 16:10  
**To:** 'yasemin-sonmez@hotmail.co.uk' <yasemin-sonmez@hotmail.co.uk>  
**Subject:** Bluewater Fish & Kebabs, 11 Chase Side, LONDON, N14 5BP [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Ms Sonmez

I write to you as the owner of the above named premises to advise you that until you have been **granted** a premises licence or submitted a valid temporary event notice you must not sell any hot food or hot drink after 23:00.

During visits to the premises on 27/05/17, 17/06/17 and 24/06/17 Officers witnessed staff selling hot food after 23:00 hours. Advice has already been given on more than one occasion as to what is and isn't legally permitted to take place at the premises.

Since the Licensing Act 2003 came into force in 2005 premises may only sell hot food or hot drink (late night refreshment) between the hours of 23:00 – 05:00 if they have the benefit of a premises licence allowing them to do so.

Your premises is currently unlicensed.

Please be aware that, according to the Licensing Act 2003 guidance the 'supply' of late night refreshment takes place when the hot food or hot drink is given to the customer, not when it is paid for.

These sales constitute offences under the Licensing Act 2003 which carries an unlimited maximum fine, upon conviction and / or 6 months imprisonment.

Enfield Councils' Licensing Enforcement Team shall continue to carry out observations of your premises and if your premises is seen to be trading illegally again you will be invited in for a formal interview under caution and may face prosecution.

Any alleged illegal activity will be taken into account when considering your pending application and may jeopardise your chances of having the Premises Licence application agreed.

Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer  
Environment & Regeneration  
Enfield Council  
Silver Street  
Enfield  
EN1 3XY

Tel: 0208 379 3965

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

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WK/ 217015433

LICN\_2

## NOTICE OF ALLEGED OFFENCE

This notice is to inform you that during a visit to these premises by an officer of the Trading Standards and Licensing Enforcement Team, the following offence(s) was witnessed:

Selling late night refreshment in the form of a portion of chips on Friday 30th June 2017 at 23.30 without a premises licence £1.50

**As I suspect an offence has been committed, I must caution you. You do not have to say anything or respond to this notice, but it may harm your defence if you fail to mention when questioned something that you later rely on in court. Any reply that you do give may be used in evidence.**

You are entitled to seek independent legal advice before making any response that you wish to make. The officer giving you this notice is not placing you under arrest.

Premises Name: Address:	Blue water fish e chips 11 Chase side, Southgate, N14 5BP
Telephone Number:	
PLH Name: owner Address:	Mr Coban [REDACTED]
Telephone number:	[REDACTED]
DPS Name: Address:	N/A.
Telephone number:	
Seller Name: Address:	Mr Coban AS above
Telephone number:	

**This breach constitutes a CRIMINAL OFFENCE.** In accordance with our enforcement policy, this matter will now be investigated and reported to the Head of Trading Standards and Licensing for consideration for prosecution. This matter may also be referred to the Council's Licensing Committee for a review of the premises licence. You will be advised in due course of any action that will be taken.

Signature of Officer on visit: 	Signature of Recipient: x 
Print Name: CHARLOTTE PALMER.	Print Name: Imara Coban
Position: Senior Licensing Enforcement Officer	Position: Manager
Date: 30/06/17	Date: 30/6/17.

Trading Standards & Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH,  
Tel: 020 8379 1000  
Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk), and state the WK reference number above.

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**Annex 5b**



**LICENSING AUTHORITY REPRESENTATION**

**ADDITIONAL INFORMATION**

**Name and address of premises:** Bluewater Fish & Kebabs  
11 Chase Side  
London  
N14 5BP

**Type of Application:** New Premises Licence

**Detailed below is additional information not previously included in the representation submitted on 20/07/17:**

**28/07/17** 23:13 – Out of Hours Licensing Enforcement Officers carried out observations of the premises to see if it was trading without the necessary licence – staff cleaning, doner meat removed, lights still on and door open but not seen trading.

**10/08/17** Prosecution investigation completed, both defendants issued formal warnings.

**12/08/17** 00:12 - Out of Hours Licensing Enforcement Officers carried out observations of the premises to see if it was trading without the necessary licence - premises closed.

**08/09/17** 23:40 - Out of Hours Licensing Enforcement Officers carried out observations of the premises to see if it was trading without the necessary licence - premises closed

**Conclusion**

As previously stated the premises is located in a Cumulative Impact Policy (CIP) area and the onus falls upon the applicant to make the case to demonstrate that there would be no negative impact on the area if the application were to be granted. The Licensing Authority does not believe that any such case has been made.

Observations show that the premises is now complying with the law. This has given the Licensing Authority more confidence in those running the premises. As a result, the Licensing Authority would agree to a terminal hour of midnight every day.

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## Proposed Conditions

### **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**

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.

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

#### **SOUGHT BY METROPOLITAN POLICE:**

2. A digital CCTV system must be installed in the premises complying with the following criteria:
  - (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
  - (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
  - (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
  - (4) Provide a linked record of the date, time, and place of any image.
  - (5) Provide good quality images.
  - (6) Operate under existing light levels within and outside the premises.
  - (7) Have the recording device located in a secure area or locked cabinet.
  - (8) Have a monitor to review images and recorded picture quality.
  - (9) Be regularly maintained to ensure continuous quality of image capture and retention.
  - (10) Have signage displayed in the customer area to advise that CCTV is in operation.
  - (11) Digital images must be kept for 28 days.
  - (12) Police or authorised local authority employees will have access to images at any reasonable time.
  - (13) All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.
  - (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.
3. Last orders to be accepted by 03:50 hours.

4. A member of staff shall stand at the entrance to the premises from 03:50. Their role will be to:
  - (1) advise customers of the time of the last food order; and
  - (2) Prohibit the entry of any further customers into the premises.

**SOUGHT BY LICENSING AUTHORITY:**

5. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.
6. All training relating to the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
7. Staff shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
8. 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.

**OFFERED BY APPLICANT:**

9. At least two members of staff shall be in the premises at all times that the premises is open for licensable activities.  
*(Supported by LA)*
10. Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult.  
*(Supported by LA)*

## MUNICIPAL YEAR 2017/18 REPORT NO.75

**COMMITTEE:**  
Licensing Sub-Committee  
4 October 2017

**REPORT OF:**  
Principal Licensing Officer

**LEGISLATION:**  
Licensing Act 2003

Agenda – Part1	Item
<b>SUBJECT:</b> Application for a Variation of a Premises Licence	
<b>PREMISES:</b> On Broadway, 765 Green Lanes, LONDON, N21 3SA.	
<b>WARD:</b> Winchmore Hill	

**1. LICENSING HISTORY & CURRENT POSITION:**

- 1.1 On 25 July 2005, an application by **Mr & Mrs Michael & Margaret Michael** to convert an existing Justices On Licence to a Premises Licence, which was not subject to any representations, was granted by the Licensing Sub-Committee (LN/200500777).
- 1.2 On 15 September 2010, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence, namely to extend the operating hours, which was subject to local resident representations, was granted by the Licensing Sub-Committee.
- 1.3 On 5 June 2017, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence, namely to remove the door supervisor condition, which was not subject to any representations, was granted by the Licensing Authority.
- 1.4 On 26 July 2017, an application by **Mr & Mrs Michael & Margaret Michael** to vary the premises licence by means of a minor variation, namely to amend the noise limiter condition, which was not subject to any representations, was granted by the Licensing Authority.
- 1.5 **Mr Michael Michael** was named as the Designated Premises Supervisor between 10 August 2005 and 26 August 2016.
- 1.6 **Mr Paul Michael** has been the Designated Premises Supervisor since 26 August 2016.
- 1.7 The premises have applied for and been issued numerous Temporary Event Notices (TENs) over the years. For example, in 2015, the premises had 10 TENs, in 2016 – 17 TENs and to date in 2017 – 9 TENs as follows:
  - 13/2/17 – 00:01 to 3.30am (1 day)
  - 19/2/17 – 00:01 to 3.30am (1 day)
  - 17/4/17 – 00:01 to 3.30am (1 day)
  - 30/4/17 – 00:01 to 3.30am (1 day)
  - 14/4/17 – 00:01 to 3.30am (1 day)
  - 11/6/17 – 00:01 to 3.30am (1 day)
  - 27/8/17 to 28/8/17 – 00:01 to 3.30am (2 days)
  - 17/9/17 – 00:01 to 3.30am (1 day)

- 1.8 The current Premises Licence permits:
  - 1.8.1 **Hours the premises are open to the public:** Sunday to Thursday 10:00 to 00:00 (midnight), Friday to Saturday from 10:00 to 01:00.
  - 1.8.2 **Supply of alcohol (on and off supplies):** Sunday from 10:00 to 22:30, on Monday to Thursday from 10:00 to 23:00, and on Friday and Saturday from 10:00 to 00:00 (midnight).
  - 1.8.3 **Recorded music (Indoors):** Sunday to Thursday 10:00 to 23:30, Friday to Saturday from 10:00 to 00:30.
  - 1.8.4 **Late night refreshment:** Sunday none, on Monday to Saturday from 23:00 to 23:30.
- 1.9 A copy of a location map of the premises is attached as Annex 01.
- 1.10 A copy of the current Premises Licence is attached as Annex 02.

## **1.0 THIS APPLICATION:**

- 1.1 On 11 August 2017, an application was made by Mrs Margaret Michael for a variation of premises licence (LN/200500777). The application seeks:
  - 1.1.1 Hours the premises are open to the public: Monday to Wednesday 10:00 to 02:00, Thursday to Friday 10:00 to 03:00.
  - 1.1.2 Supply of alcohol (on the premises): Monday to Wednesday 10:00 to 01:00, Thursday to Sunday 10:00 to 02:00.
  - 1.1.3
  - 1.1.4 Live music (indoors): Friday to Sunday 20:00 to 00:00 (midnight).
  - 1.1.5 Recorded music (indoors): Monday to Wednesday 10:00 to 01:00, Thursday and Sunday 10:00 to 02:00, Friday and Saturday 10:00 to 03:00.
  - 1.1.6 To remove Condition 12 which restricts last entry to the premises to 11pm.
- 1.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 1.3 Each of the Responsible Authorities were consulted in respect of the application.
- 1.4 A copy of the application is attached as Annex 03.

## **2.0 RELEVANT REPRESENTATIONS:**

- 2.1 **Metropolitan Police:** Representation is made on the grounds of the prevention of crime and disorder and prevention of public nuisance. The Police considers that it is appropriate to object to the full extension of hours. A reduction of proposed hours and additional conditions are recommended.



2.2 A copy of the representation is attached as Annex 04.

2.3 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation is made on the grounds of the prevention of public nuisance, prevention of crime and disorder and protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives to object to the full extension of hours. A reduction of proposed hours and additional conditions are recommended.

2.4 A copy of the representation is attached as Annex 5a to 5c.

2.5 In response to the representations, the applicant has made a representation, a copy is attached as Annex 6.

### **3.0 PROPOSED LICENCE CONDITIONS**

3.1 The applicant offered conditions in Section M of the application form. Should the licence be granted in part or in full, the Responsible Authorities seek conditions be attached to the licence. All conditions can be seen together in Annex 6. No indication of agreement to the conditions has been made by the applicant.

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

4.1 The paragraphs below are extracted from either:

4.1.1 the Licensing Act 2003 ('Act'); or

4.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or

4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

#### **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)].

4.4 In carrying out its functions, the Sub-Committee must also have regard to:

4.4.1 the Council's licensing policy statement; &

4.4.2 guidance issued by the Secretary of State [Act s.4(3)].

#### **Cumulative Impact Policy:**

4.5 The applicant premises/club premises is not located in any of Enfield's Cumulative Impact Policy Areas.

**Hours:**

- 6.11 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. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].
- 6.12 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:**

- 6.13 As a matter of practice, licensing authorities 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. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. [Guid 9.36].
- 6.14 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:
- 6.14.1.1 the steps that are appropriate to promote the licensing objectives;
  - 6.14.1.2 the representations (including supporting information) presented by all the parties;
  - 6.14.1.3 the guidance; and
  - 6.14.1.4 its own statement of licensing policy [Guid 9.37].
- 6.15 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:
- 6.15.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
  - 6.15.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
  - 6.15.3 to refuse to specify a person in the licence as the premises supervisor;
  - 6.15.4 to reject the application [Act s.18].

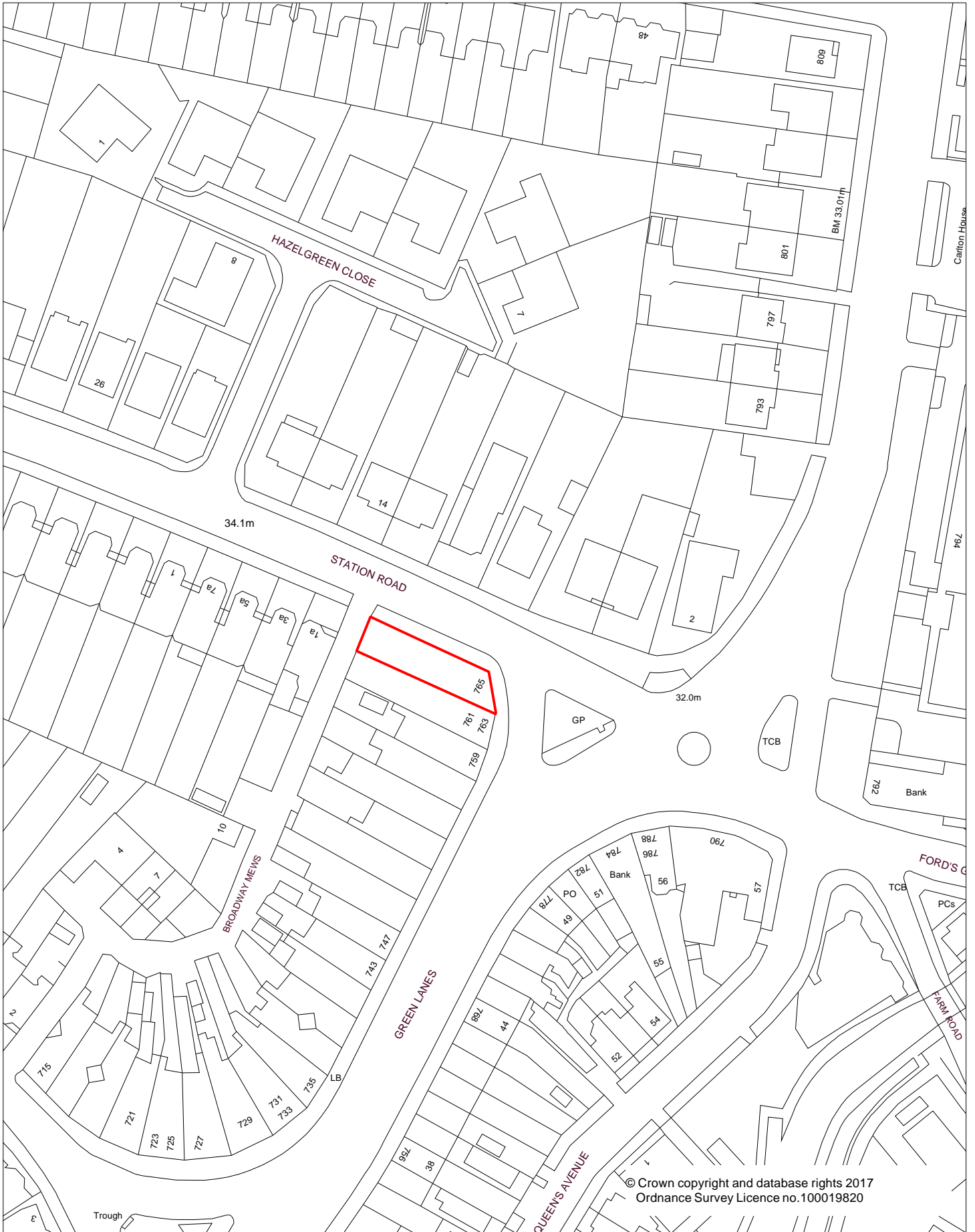
**Background Papers:**

**None other than any identified within the report.**

**Contact Officer:**

**Ellie Green on 020 8379 8543**

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**On Broadway, 765 Green Lanes, LONDON, N21 3SA**

LONDON BOROUGH OF ENFIELD  
CIVIC CENTRE, SILVER STREET,  
ENFIELD, EN1 3XE  
www.enfield.gov.uk



Drg.No. 6900EX  
File ref. WK/217034174  
Scale 1:1000 @ A4  
Date 12/09/17

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Licensing Act 2003

**PART A – PREMISES LICENCE**

**Granted by the London Borough of Enfield as Licensing Authority**

**Premises Licence Number :** LN/200500777

**Part 1 – Premises Details**

**Postal address of premises :**

**Premises name :** On Broadway

**Telephone number :** 020 8364 0681

**Address :** 765 Green Lanes LONDON N21 3SA

**Where the licence is time-limited, the dates :** Not time limited

**The opening hours of the premises, the licensable activities authorised by the licence and the times the licence authorises the carrying out of those activities :**

(1) **Open to the Public - Whole Premises**

<b>Sunday :</b>	<b>10:00 - 00:00</b>
<b>Monday :</b>	<b>10:00 - 00:00</b>
<b>Tuesday :</b>	<b>10:00 - 00:00</b>
<b>Wednesday :</b>	<b>10:00 - 00:00</b>
<b>Thursday :</b>	<b>10:00 - 00:00</b>
<b>Friday :</b>	<b>10:00 - 01:00</b>
<b>Saturday :</b>	<b>10:00 - 01:00</b>
<b>Christmas Eve :</b>	<b>10:00 - 01:00,</b>
<b>Boxing Day :</b>	<b>10:00 - 01:00,</b>
<b>New Years Eve :</b>	<b>10:00 - 03:00.</b>

(2) **Supply of Alcohol - On and Off Supplies**

<b>Sunday :</b>	<b>10:00 - 22:30</b>
<b>Monday :</b>	<b>10:00 - 23:00</b>
<b>Tuesday :</b>	<b>10:00 - 23:00</b>
<b>Wednesday :</b>	<b>10:00 - 23:00</b>
<b>Thursday :</b>	<b>10:00 - 23:00</b>
<b>Friday :</b>	<b>10:00 - 00:00</b>
<b>Saturday :</b>	<b>10:00 - 00:00</b>
<b>Christmas Eve :</b>	<b>10:00 - 00:00,</b>
<b>Boxing Day :</b>	<b>10:00 - 00:00,</b>
<b>New Years Eve :</b>	<b>10:00 - 02:00.</b>

(3) **Recorded Music - Indoors**

<b>Sunday :</b>	<b>10:00 - 23:30</b>
<b>Monday :</b>	<b>10:00 - 23:30</b>
<b>Tuesday :</b>	<b>10:00 - 23:30</b>
<b>Wednesday :</b>	<b>10:00 - 23:30</b>
<b>Thursday :</b>	<b>10:00 - 23:30</b>
<b>Friday :</b>	<b>10:00 - 00:30</b>
<b>Saturday :</b>	<b>10:00 - 00:30</b>
<b>Christmas Eve :</b>	<b>10:00 - 00:30,</b>
<b>Boxing Day :</b>	<b>10:00 - 00:30,</b>
<b>New Years Eve :</b>	<b>10:00 - 02:00.</b>

**(4) Late Night Refreshment - Indoors**

<b>Sunday :</b>	<b>-</b>
<b>Monday :</b>	<b>23:00 - 23:30</b>
<b>Tuesday :</b>	<b>23:00 - 23:30</b>
<b>Wednesday :</b>	<b>23:00 - 23:30</b>
<b>Thursday :</b>	<b>23:00 - 23:30</b>
<b>Friday :</b>	<b>23:00 - 23:30</b>
<b>Saturday :</b>	<b>23:00 - 23:30</b>
<b>New Year's Eve :</b>	<b>23:00 - 05:00.</b>



**Part 2**

**Name and (registered) address of holder of premises licence :**

<b>Name :</b>	Mr Michael Michael
<b>Telephone number :</b>	Not provided
<b>e-mail :</b>	[REDACTED]
<b>Address :</b>	[REDACTED]

**Registered number of holder (where applicable) :**

Not applicable
----------------

**Name and (registered) address of second holder of premises licence (where applicable) :**

<b>Name :</b>	Mrs Margaret Michael
<b>Telephone number :</b>	[REDACTED]
<b>Address :</b>	[REDACTED]

**Name and address of designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Name :</b>	Mr Paul Michael
<b>Telephone number :</b>	Not provided
<b>e-mail :</b>	Not provided
<b>Address :</b>	[REDACTED]

**Personal licence number and issuing authority of personal licence held by designated premises supervisor (where the licence authorises the supply of alcohol) :**

<b>Personal Licence Number :</b>	LN/200500608
<b>Issuing Authority :</b>	London Borough of Enfield

**Premises Licence LN/200500777 was first granted on 25 July 2005.**

**Signed :** 

**Date : 5th June 2017**

**for and on behalf of the  
London Borough of Enfield  
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH  
Telephone : 020 8379 3578**



## **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**

**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. At least 4 prominent, clear and legible notices shall be displayed throughout the premises including the toilets warning customers that drug use will not be tolerated.**

**3. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance door both inside and outside, the rear fire exit, the till area, all the alcohol displays and floor areas; (2) Cameras facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing counter areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 25 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.**

**4. 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.**

**5. All doors and windows shall be kept closed (but not locked) during regulated entertainment except for access to and egress from the premises.**

- 6. No child, under the age of 18 years, shall be permitted to enter the premises.**
- 7. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' 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.**
- 9. There shall be no new entry or re-entry to the premises after 23:00 on Fridays and Saturdays apart from those patrons exiting in order to smoke to the immediate frontage of the property.**
- 10. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every 3 months) relating to the sale of alcohol. All training shall be documented and records kept for a minimum of 2 years. These records must be made available to the Police and/or Local Authority upon request.**
- 11. The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested, and to ensure pick ups are carried out quietly and promptly.**
- 12. 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 the duty manager shall have full working knowledge of its use. The remote control shall only be operated by the duty manager.**
- 13. Whilst regulated entertainment is provided the management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. 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.**
- 14. A written record of refused sales must be kept on the premises and completed when necessary, and kept for one year. It must be made available to Police and/or the Local Authority upon request.**
- 15. There shall be no more than 10 persons from 21:00 to closing time using the front of the premises for smoking. The front of the premises shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of**

local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken outside during these times.

16. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.

17. Staff shall actively discourage patrons, excepting smokers, from congregating around the outside of the premises.

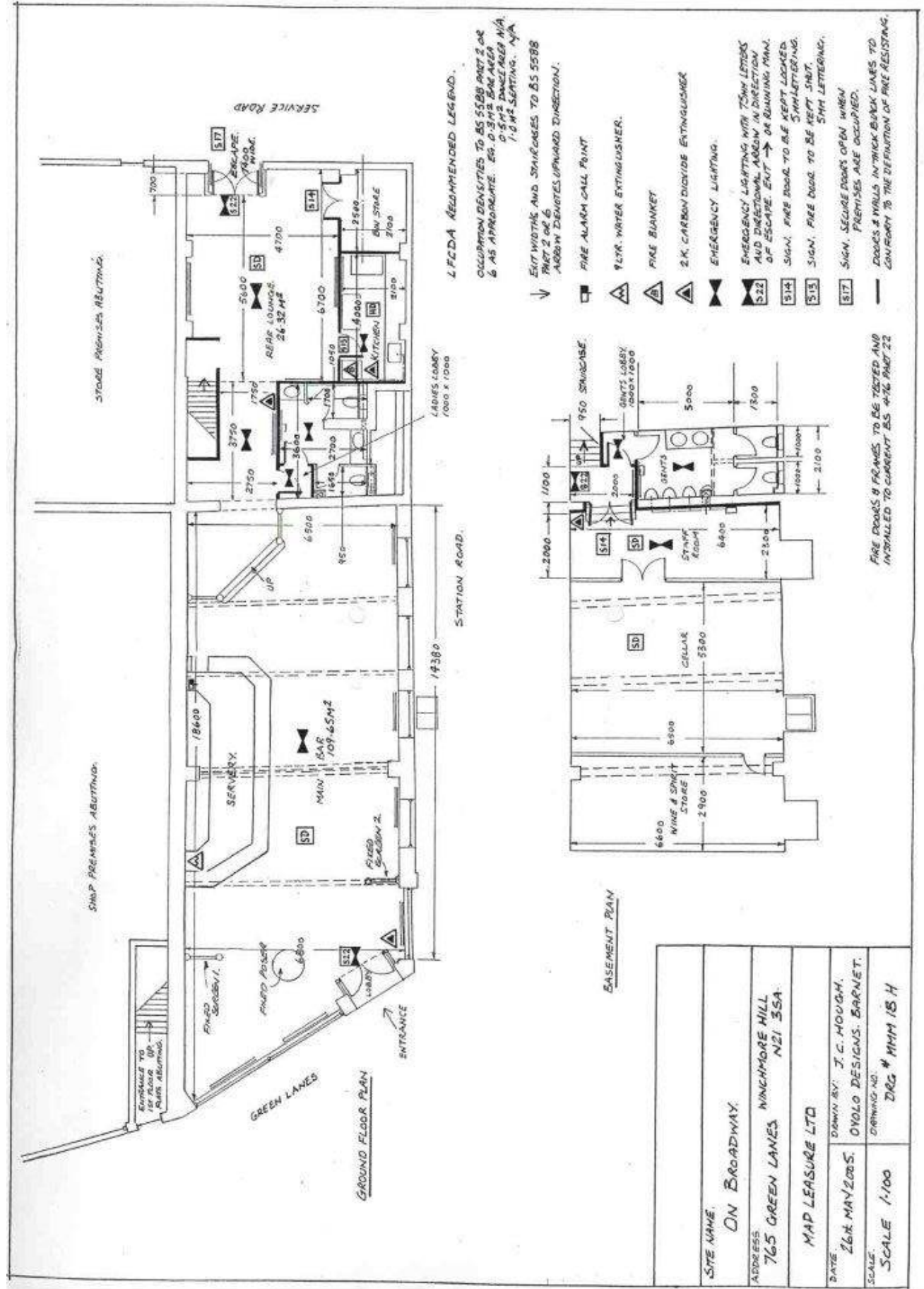
18. Wall mounted ashtrays shall be provided at the front of the premises.

19. All off sales shall be in a sealed container.

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

**None**

Annex 4 – Plans



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WK/217034174



London Borough of Enfield

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

I/We MARGARET MICHAEL  
(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	LN/200500777
-------------------------	--------------

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description	ON BROADWAY 765 GREEN LANES WINCHMORE HILL LONDON		
--------------------------------------------------------------------------------------	------------------------------------------------------------	--	--

Post town	N. 21 3 PA	Postcode	N21 3SA
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Telephone number at premises (if any)	020 8 364 0681
Non-domestic rateable value of premises	£

Part 2 - Applicant details

Daytime contact telephone number	[REDACTED]		
E-mail address	[REDACTED]		
Current postal address if different from premises address	AS ABOVE	LONDON BOROUGH OF ENFIELD RECEIVED 11 AUG 2017 ENVIRONMENT & STREET SCENE	
Post town		Postcode	

Person

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD	MM	YYYY

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

EXTENSION OF LICENSING HOURS.  
To bring into line with other premises in the locality.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

N/A
-----



**Part 4 Operating Schedule**

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5) <i>Occasional live music. Possibly one night a month.</i>	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6) <i>christmas eve – new years eve.</i>		
Thur					
Fri	<i>20:00</i>	<i>Midnight</i>	Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	<i>20:00</i>	<i>Midnight</i>			
Sun	<i>20:00</i>	<i>Midnight</i>			

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 5)		
Mon	10.00	01.00 AM			
Tue	10.00	01.00 AM			
Wed	10.00	01.00 AM	State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thur	10.00	02.00 AM			
Fri	10.00	3.00 AM	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	10.00	3.00 AM			
Sun	10.00	2.00 AM			

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	10.00	01.00 AM	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)  Christmas boxing DAY  New years eve.	Both	<input type="checkbox"/>
Tue	10.00	01.00 AM			
Wed	10.00	01.00 AM			
Thur	10.00	2.00 AM		<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)	
Fri	10.00	2.00 AM			
Sat	10.00	2.00 AM			
Sun	10.00	2.00 AM			

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 10).

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	10.00	2.00	<p>christmas, boxing Day New years eve</p> <p><b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</b> (please read guidance note 7)</p>
Tue	10.00	2.00	
Wed	10.00	2.00	
Thur	10.00	3.00	
Fri	10.00	3.00	
Sat	10.00	3.00	
Sun	10.00	3.00	

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

12. Access after 11. pm

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence



If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General – all four licensing objectives (b, c, d and e) (please read guidance note 11)**

The premises is a family owned & run business.  
There is always at least two managers on duty day  
and night.

**b) The prevention of crime and disorder**

Although we have had door security removed from  
the licence. We do employ a door man to ensure  
that customers are controlled when outside smoking.  
We also make sure that customers have access to  
cabs and are assisted to get home. We prevent  
noise outside.

**c) Public safety**

Ongoing

**d) The prevention of public nuisance**

Ongoing every effort is made to ensure that  
our customers do not cause public nuisance.

**e) The protection of children from harm**

We do not allow children into the bar.  
Over eighteen's only.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

**IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.**

**Part 5 – Signatures** (please read guidance note 12)

**Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent** (please read guidance note 13). **If signing on behalf of the applicant, please state in what capacity.**

Signature	<i>H. Michael</i>
Date	<i>10 August 2017</i>
Capacity	<i>owner</i>

**Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent** (please read guidance note 14). **If signing on behalf of the applicant, please state in what capacity.**

Signature	
Date	
Capacity	

**Contact name (where not previously given) and address for correspondence associated with this application** (please read guidance note 15)

<b>Post town</b>		<b>Post code</b>	
<b>Telephone number (if any)</b>			
<b>E-mail address</b>			



## Annex 04

**POLICE REPRESENTATION**

**Name and address of premises:** On Broadway  
765 Green Lanes  
London  
N21 3SA

**Type of Application:** Variation

**Worksheet number:** WK/217034174

**The Application**

This is an application to vary a premises licence to increase operating hours and to remove a condition relating to a last entry time as follows;

<b>Activity</b>	<b>Current Times</b>	<b>Proposed Times</b>
Opening hours	10:00 – 00:00 Sun - Thurs 10:00 - 01:00 Fri - Sat	10:00 – 02:00 Mon – Wed 10:00 – 03:00 Thurs - Sun
Supply of alcohol (on & off)	10:00 – 23:00 Mon – Thurs 10:00 – 00:00 Fri – Sat 10:00 – 22:30 Sun	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs - Sun
Recorded Music	10:00 – 23:00 Sun – Thurs 10:00 – 00:30 Fri - Sat	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs 10:00 – 03:00 Fri – Sat 10:00 – 02:00 Sun
LNR	23:00 – 23:30 Mon - Sat	No change

**Location**

This premises is situated along Green Lanes at the junction with Station Road, N21. There are residential properties immediately adjacent to the venue in Station Road.

**History**

I have researched Police crime and intelligence systems relating to the venue over the last twelve months as follows;

**Sunday 4<sup>th</sup> December 2016**

Call made by landlord of premises to police at 01:14 hours stating that a violent male was causing a disturbance inside of the venue. Further call made to Police stating that the male had been removed by door staff and had made off.

Police call log number CAD 650/04Dec17 refers

**Monday 26<sup>th</sup> June 2017**

Call made by son of landlord at 15:00 hours that a male had entered the premises armed with a hammer and was threatening him regarding a previous relationship with the male's girlfriend. Victim did not wish to substantiate allegation.

Police crime reference number 5214690/17 refers.

**Thursday 17<sup>th</sup> August 2017**

Call made to Police at 23:20 hours relating to an argument involving three males including landlord and a cousin which ended up with a car being damaged outside belonging to one of the parties. Upon Police arrival, none of the parties wished to substantiate the allegation.

Police crime reference number 5218765/17 refers.

**Cumulative Impact Policy**

London Borough of Enfield

This premise is not within one of Enfield Boroughs Cumulative Impact Policy areas.

**In summary I wish to make representation on the following:**

- Prevention of crime & disorder
- Prevention of Public Nuisance

The additional hours requested will allow patrons to drink for much longer than before and in my opinion, the potential for issues relating to crime & disorder will be enhanced as such, especially as the venue has recently had the requirement for door supervisors removed as a condition on the licence and also the request to remove the last entry or re-entry time of 23:00 hours. The later hours and the potential for customers to enter the venue up until 03:00 hours at weekends would present an unknown risk and also exacerbate the potential for crime and disorder issues.

Also, given the close proximity of this premises to residential properties and the noise nuisance complaints as outlined in the representations made by LBE licensing authority, the potential for similar complaints relating to customers entering and exiting the venue up until 03:00 hours over the weekend period would potentially see a significant rise in complaints of a similar nature.

Police therefore object to the proposed hours and the removal of the condition relating to a last entry time as set out in this application but would agree to the activity hours being increased so that they finish 30 mins before closing as set out below:

Activity	Current Times	Applied for Times	Recommended Times
----------	---------------	-------------------	-------------------

Opening hours	10:00 – 00:00 Sun - Thurs 10:00 - 01:00 Fri - Sat	10:00 – 02:00 Mon – Wed 10:00 – 03:00 Thurs - Sun	10:00 – 00:00 Sun - Thurs 10:00 – 01:00 Fri - Sat
Supply of alcohol (on & off)	10:00 – 23:00 Mon – Thurs 10:00 – 00:00 Fri – Sat 10:00 – 22:30 Sun	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs - Sun	10:00 – 23:30 Sun - Thurs 10:00 – 00:30 Fri - Sat
Recorded Music	10:00 – 23:00 Sun – Thurs 10:00 – 00:30 Fri - Sat	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs 10:00 – 03:00 Fri – Sat 10:00 – 02:00 Sun	10:00 – 23:30 Sun - Thurs 10:00 – 00:30 Fri - Sat
LNR	23:00 – 23:30 Mon - Sat	No change	No change

If the extra hours as requested in this application were to be granted, I would recommend that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

- A minimum of two door supervisors shall be employed on the premises on Fridays and Saturdays from 21:00 until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. 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. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands.
- A log must be kept and signed by each door supervisor each night they are employed at the premises indicating that they have been informed of, understand, and will implement the entry and search policy. This log must be made available to Police or Local Authority employees on request.
- A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

[Martyn.Fisher@Enfield.Gov.uk](mailto:Martyn.Fisher@Enfield.Gov.uk)

Date: 8<sup>th</sup> September 2017

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**LICENSING AUTHORITY REPRESENTATION**

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

**Name and address of premises:** On Broadway  
765 Green Lanes  
London  
N21 3SA

**Type of Application:** New Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

This is a new application for a bar to provide licensable activities as detailed below:

Activity	Current Times	Proposed Times
Opening hours	10:00 – 00:00 Sun - Thurs 10:00 - 01:00 Fri - Sat	10:00 – 02:00 Mon – Wed 10:00 – 03:00 Thurs - Sun
Supply of alcohol (on & off)	10:00 – 23:00 Mon – Thurs 10:00 – 00:00 Fri – Sat 10:00 – 22:30 Sun	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs - Sun
Recorded Music	10:00 – 23:00 Sun – Thurs 10:00 – 00:30 Fri - Sat	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs 10:00 – 03:00 Fri – Sat 10:00 – 02:00 Sun
LNR	23:00 – 23:30 Mon - Sat	No change

The application is also to remove the following condition from the licence:

There shall be no new entry or re-entry to the premises after 23:00 on Fridays and Saturdays apart from those patrons exiting in order to smoke to the immediate frontage of the property.

**Location**

This premises is not located in a Cumulative Impact Policy Area (CIP).

This premises is located on Green Lanes at the junction with Station Road. Station Road is a predominately residential road. There are also residential premises above the commercial premises on Green Lanes.

The Licensing Authority is concerned that residents could be disturbed by noise from those leaving the premises late at night if the terminal hours were to be increased.

## Planning

There is a condition attached to the current planning permission restricting the hours the premises can be open. These times are less than those applied for in this licence application. The hours attached to the current planning permission are:

08:00 – 23:30 Monday - Thursday

08:00 – 00:00 Friday and Saturday

08:00 – 23:00 Sunday

Applications to increase the planning permission hours were refused in 2001 and 2010.

Insufficient planning permission cannot prevent a licence from being granted, however, **if businesses trade without planning permission they will be guilty of an offence under planning law and may be prosecuted by the Planning Enforcement Team.** Therefore businesses must have the relevant planning permission AND licence in order to trade legally. If the times and activities on both are not the same, businesses must stick to the lesser times / activities as failure to do so will be a breach of either planning or licensing legislation.

## History

**2005** – Licence converted to Premises Licence

**2010** – Licence variation granted to increase licenced hours.

**2011** – Minor variation granted to amend conditions relating to sound limiter.

**Sept 2016** – DPS Varied

**27/02/17** – Anonymous complaint received in relation to loud music allegedly coming from the premises – no additional information available.

**May 2017** – Variation to remove door supervisor conditions.

**02/07/17** – 00:24 - Noise complaint received regarding loud music coming from the premises. 01:07 – Officers visited the area, no music audible.

**03/07/17** – 19:03 - Complaint received from local resident alleging that frequency customers come out of the fire exit to smoke and drink and loud music is audible.

**13/07/17** - Officer emailed complainant asking for more information but no reply received. Advised premises of complaint.

**15/07/17** – Email reply from premises requesting dates and times – unable to provide as no reply from complaint.

**31/07/17** – Email from premises denying noise issues.

**13/08/17** – Anonymous complaint received relating to noisy entertainment coming from the premises.

**03/09/17** – 00:47 – Anonymous complaint received relating to noisy entertainment coming from the premises.

**04/09/17** – Emailed premises regarding complaint. Allegation denied.

**I wish to make representation on the following:**

- **Prevention of Public Nuisance**

Given the close proximity to residential properties, the recent complaints and the fact that the conditions requesting door supervisors have very recently been removed from the licence the Licensing Authority objects to any increase in the opening hours. The Licensing Authority would agree to the activity hours being increased so that they finish 30 mins before the current closing times as set out below:

Activity	Current Times	Applied for Times	Recommended Times
Opening hours	10:00 – 00:00 Sun - Thurs 10:00 - 01:00 Fri - Sat	10:00 – 02:00 Mon – Wed 10:00 – 03:00 Thurs - Sun	10:00 – 00:00 Sun - Thurs 10:00 – 01:00 Fri - Sat
Supply of alcohol (on & off)	10:00 – 23:00 Mon – Thurs 10:00 – 00:00 Fri – Sat 10:00 – 22:30 Sun	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs - Sun	10:00 – 23:30 Sun - Thurs 10:00 – 00:30 Fri - Sat
Recorded Music	10:00 – 23:00 Sun – Thurs 10:00 – 00:30 Fri - Sat	10:00 – 01:00 Mon – Wed 10:00 – 02:00 Thurs 10:00 – 03:00 Fri – Sat 10:00 – 02:00 Sun	10:00 – 23:30 Sun - Thurs 10:00 – 00:30 Fri - Sat
LNR	23:00 – 23:30 Mon - Sat	No change	No change

The Licensing Authority has no objection to the removal of the last entry condition – i.e. Condition 9 as there are no door supervisors to enforce the condition.

If the Licensing Sub Committee is minded to grant hours longer than those suggested by the Licensing Authority, then it is recommended that the following door supervisor conditions be re-attached to the licence:

- A minimum of two door supervisors shall be employed on the premises on Fridays and Saturdays from 21:00 until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. 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. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands.
- A log must be kept and signed by each door supervisor each night they are employed at the premises indicating that they have been informed of, understand, and will implement the entry and search policy. This log must be made available to Police or Local Authority employees on request.
- A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night.

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

If the amended times were accepted in full I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

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

Signed:



Date: 08/09/2017

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Annex 05b



**LICENSING AUTHORITY REPRESENTATION**

**ADDITIONAL INFORMATION**

**Name and address of premises:** On Broadway  
765 Green Lanes  
London  
N21 3SA

**Type of Application:** Premises Licence – Variation

**Detailed below is additional information not previously included in the representation submitted on 08/09/17:**

**08/09/17** – 22:30 – 23:15 – Out of Hours Licensing Enforcement Team (EVG/VPK) visited the premises and carried out a full licence inspection. The following issues were discovered; Condition 3 (14) - CCTV records for 28 days, should be 31 days.  
Condition 4 - No refusals book in place.  
Condition 10 & 11 – Induction training for 2 new staff required and refresher training for other existing staff overdue.  
Condition 16 - Wall mounted ashtray available but several customers seen leaving butts on pavement. Staff advised all cleaned up at end of night.  
Condition 15 - 13 Customers seen in smoking area at one time. Several customers queuing to get in also, so difficult to identify difference.  
Blue notice for pending variation on display.  
CCTV checked in relation to complaint on 03/09/17. Premises was open Saturday leading on to Sunday. A few customers still on premises at 00:47 (within permitted time). Advised to ensure music kept low.

**See Appendix LA1**

Licence breaches, particularly whilst a variation application to increase the license hours leads to a lack of confidence in those running the premises.

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REF: WK/ 217038707.

LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	On Broadway	
Premises Address	765 Green Lanes, N21 3SA	
Time of Visit:	Start: 22.30	Finish: 23.15

During an inspection of your premises on ... 8 September ... 2017 ..., the following was checked:

Part B of Premises Licence displayed? Yes  No  Part A up - Part B should be behind bar.

Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)

Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
C.10+11	Up to date induction and refresher training required to be completed (every 3 months) & documented (training record book available on site).
C.14.	No refusals book.
C.16	Wall mounted ashtray available but several customers seen leaving butts on pavement. Advised all cleaned up at end of night.
C.15	13 smokers seen in area at one time. Several customers queuing to get in also, so difficult to identify difference.

Any other matter(s) that need addressing: C.3(14) CCTV records for 28 days, should be 31 days.

Blue notice for violation observed. CCTV checked in relation to complaint, was open Sat going into Sun, a few customers still on premises at 00.07 (within permitted time). Ensure kept law.

You are required to have the above matters attended to within .....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: EVA	Signature: <i>[Signature]</i>
Print Name: Ellie Green	Print Name & Position: Michael PLH.
Email/Tel: 0208 379 3965 charlotte.palmer@enfield.gov.uk	Email/Tel: As per licence.

Application forms can be downloaded at <https://new.enfield.gov.uk/services/business-and-licensing/>.

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Appendix xx

**Applicant Response to Representations**

**From:** Margaret Michael [mailto:margmichael@hotmail.com]  
**Sent:** 21 September 2017 19:00  
**To:** Ellie Green <Ellie.Green@Enfield.gov.uk>  
**Subject:** Re: On Broadway [SEC=OFFICIAL]

Dear Ellie Green

Yes I would like my reply included in the representations.

Thank you

Margaret MICHAEL

Sent from my iPhone

On 21 Sep 2017, at 14:14, Ellie Green <Ellie.Green@Enfield.gov.uk> wrote:

Classification: OFFICIAL

Dear Mrs Michael

Your email below has been drawn to my attention.

Please advise whether you wish this to be submitted as your representation and should be included in the committee report?

Also, have you any further information you would like to submit in response to any of the other representations?

Kind regards

Ellie Green

Principal Licensing Officer

From: Margaret Michael [mailto:margmichael@hotmail.com]  
Sent: 21 September 2017 12:54  
To: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>  
Subject: Re: On Broadway [SEC=OFFICIAL]

Dear Charlotte,

In reply to your email I would like to make the following points.

With the regard to the cc tv recording. It does record for 31 days.

The person who serviced it must have put it to record 28 days.

This has now been corrected by a simple push of a button.

On the day of your visit I did have a refusal book on the premises

it was placed in the kitchen. They could not find it on the night.

A new one has been ordered and we now have two on site.

With the regard to staff training, we have been unable to recruit new staff for several months. However we now have three new members of staff.

With regard to staff training I am actually a qualified NVQ assessor for bar staff .

I believe that staff need to be trained in serving customers and gaining the knowledge of the products that they are serving. When they are comfortable in that knowledge I then introduce training records. I don't believe in giving them paperwork on there first few sessions as this would be meaningless to them. They are not put in any situation where they have to refuse a customer nor would they be responsible for checking any ones age.

With regard to smokers I noticed on your visit that at some of the time there was just three smokers outside.

People arrive whilst smokers are outside, Where we make every attempt to keep the numbers down at times the new arrivals will add to the numbers. This is why we have put barriers outside for the smokers.

I am surprised that you would say that there is a lack of confidence in management,

I have been a licensee for approx. forty years. I have worked for large companies .I was considered one of there top managers.

I run the Queens head in Winchmore hill for ten years and have been a licensee at On Broadway for over eighteen years.

I also have managed Beefeater steakhouse restaurants .

Thank you

Margaret Michael

### **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**

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. At least 4 prominent, clear and legible notices shall be displayed throughout the premises including the toilets warning customers that drug use will not be tolerated.

3. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance door both inside and outside, the rear fire exit, the till area, all the alcohol displays and floor areas; (2) Cameras facing the entrance door must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing counter areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 25 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

4. 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.

5. All doors and windows shall be kept closed (but not locked) during regulated entertainment except for access to and egress from the premises.

6. **No child, under the age of 18 years, shall be permitted to enter the premises.**
7. **The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
8. **Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' 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.**
9. **All staff involved in the sale of alcohol shall receive induction and refresher training (at least every 3 months) relating to the sale of alcohol. All training shall be documented and records kept for a minimum of 2 years. These records must be made available to the Police and/or Local Authority upon request.**
11. **The licence holder will enter into an arrangement with a hackney carriage or private carriage firm to provide transport for patrons when requested, and to ensure pick ups are carried out quietly and promptly.**
12. **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 the duty manager shall have full working knowledge of its use. The remote control shall only be operated by the duty manager.**
13. **Whilst regulated entertainment is provided the management shall make subjective assessments of noise levels at the perimeter of the premises. These shall be undertaken at approximately hourly intervals, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. 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.**
14. **A written record of refused sales must be kept on the premises and completed when necessary, and kept for one year. It must be made available to Police and/or the Local Authority upon request.**
15. **There shall be no more than 10 persons from 21:00 to closing time using the front of the premises for smoking. The front of the premises shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken outside during these times.**
16. **The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.**



**17. Staff shall actively discourage patrons, excepting smokers, from congregating around the outside of the premises.**

**18. Wall mounted ashtrays shall be provided at the front of the premises.**

**19. All off sales shall be in a sealed container.**

**NEW CONDITIONS OFFERED BY APPLICANT:**

**20. Two managers will be on duty on the premises throughout the hours of licensable activity.**

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

**PROPOSED BY THE METROPOLITAN POLICE & LICENSING AUTHORITY, NOT AGREED BY THE APPLICANT:**

**21. A minimum of two door supervisors shall be employed on the premises on Fridays and Saturdays from 21:00 until the premises has closed. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. 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. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands.**

**22. A log must be kept and signed by each door supervisor each night they are employed at the premises indicating that they have been informed of, understand, and will implement the entry and search policy. This log must be made available to Police or Local Authority employees on request.**

**23. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night.**

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## LICENSING SUB-COMMITTEE - 16.8.2017

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 16 AUGUST 2017**

**COUNCILLORS:** (Chair) Derek Levy, Vicki Pite and Glynis Vince  
**PRESENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Victor Ktorakis (Licensing Enforcement Officer), Catriona McFarlane (Legal Services Representative), PC Martyn Fisher (Metropolitan Police) (for Indian Fusion item only), Elaine Huckell (Committee Secretary)

**Also Attending** Re: Indian Fusion application – Mark Altman (Joshua Simons & Associates), Ajahar Ali (Indian Fusion)

Re: Ponders End Smallholders Association (PEDSA) – William Haydes, Vivienne Nicholas, Vaughan Watson, Mr Corbett, Linda Marsh, Barbara Hart, Fay Bernard, M L Andrew – Vanell, L Hector, W Binns, E Sabk, G Samuels

**125****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Levy as Chair welcomed all those present and explained the order of the meeting.

**126****DECLARATION OF INTERESTS**

There were no declarations of interest regarding the Indian Fusion application. In respect of the PEDSA application non-pecuniary interests were declared by Councillor Vince as her husband owns shares in Green King, Councillor Pite declared that she had been invited but had not attended a meeting with members of PEDSA and Councillor Levy referred to one of his ward constituents being present at the meeting.

**127****INDIAN FUSION, 252A HIGH STREET, ENFIELD, EN3 4HB (REPORT NO.47)**

**LICENSING SUB-COMMITTEE - 16.8.2017**

RECEIVED the application made by Mr Ajahar Ali for the premises situated at Indian Fusion, 252A High Street, Enfield, EN3 4HB, for a variation of a premises licence.

**NOTED**

1. The introductory statement of Ellie Green, Principal Licensing Officer, including
  - a. The application for consideration was for variation of a premises licence.
  - b. The premises was currently licensed for alcohol only until 23:00 daily, and close at 24:00.
  - c. Mr Ajahar Ali, the Premises Licence Holder (PLH) and designated premises supervisor at Indian Fusion was seeking to add late night refreshment at the premises until midnight daily and also the delivery of late night refreshment until 03:00 daily.
  - d. The premises was located in the Edmonton Cumulative Impact Policy Area, known as a CIP; therefore there was an automatic presumption against grant of applications outside the CIP core hours, namely midnight. As a result, the Police and the Licensing Authority objected to the application with regards to the hours. Two further representations had also been received by Other Persons against the application, these have been given references IP1 and IP2 in the report at Annex 6. Additional information provided by IP2 is shown in the supplementary report no 2.
  - e. Proposed additional conditions to be added to the licence should the application be granted in full or in part, have been accepted by the applicant.
  - f. It was for the applicant to present how their application will mitigate the impact that the policy outlines, and why this application should be an exception to the policy.
  - g. The applicant Mr Ali is not being represented legally today but has responded to some of the representations received, his written representation is presented in the Supplementary report.
  - h. Victor Ktorakis is here on behalf of the Licensing Authority, and PC Martyn Fisher on behalf of the Metropolitan Police.
  - i. Mr Altman is a licensing consultant who is here to represent his client (representation IP2), who wishes to remain anonymous.
  
2. The introductory statement of Victor Ktorakis (Licensing Enforcement Officer), including:
  - a. The premises was located in the Edmonton CIP area, and the location was already an area of concern regarding crime and disorder and public nuisance.
  - b. The onus was on the applicant to show why an application outside the CIP policy would have no negative cumulative impact in the locality.
  - c. The premises was located in a mixed commercial and residential area with residential properties nearby bedrooms were located near the

**LICENSING SUB-COMMITTEE - 16.8.2017**

- back of the premises. There was concern that residents could be disturbed by vehicles entering and leaving the premises late at night.
- d. The PLH had been advised by the Licensing Enforcement Officer on 27/06/17 that they had received evidence that they had been trading late night refreshment (LNR) without a licence and that he should not hand over any hot food or drink after 23:00, however an inspection on 30/06/17 by out of hours Licensing Enforcement Officers showed that this was still happening. A formal warning letter was sent to the PLH on the 3/07/17.
  - e. Representation is made on the grounds of prevention of public nuisance as the observations and alleged illegal trading has reduced the Licensing Authority's confidence in those running this premises.
3. The statement of PC Martyn Fisher on behalf of Metropolitan Police Service, including:
- a. The Police supported the Licensing Authority Objection and made representation on the grounds of prevention of crime and disorder.
  - b. That an incident took place when the applicant was a victim of a robbery in June of this year when taking a delivery of food to an address at 02:15 this was at a time the applicant should not have been trading.
  - c. The premises is near to flats and complaints have already been received about noise.
4. There were no questions put to the Licensing Authority or Police representative.
5. The statement of Mr Mark Altman (Joshua Simons & Associates) who was attending on behalf of an Other Person reference IP2, including:
- a. Representation is made on the grounds of prevention of crime and disorder and prevention of public nuisance
  - b. That trading had been carried out surreptitiously at the rear of the premises and with deliveries taking place after 23:00.
  - c. In the supplementary agenda 2<sup>nd</sup> pack there is a report which details the investigation carried out at the premises of Indian Fusion.
  - d. That the operation of a hot takeaway delivery service has been taking place since May this year and being advertised on websites
  - e. The applicant had referred in his letter to Ellie Green of the 07/08/17 of trading in a 'trial period' during the late night hours of 23:00 to 02:30 outside of normal opening hours. There was no 'trial period.' This was an offence contrary to the Licensing Act.
  - f. Where a CIP applies, it is incumbent upon the applicant to demonstrate an understanding of potential cumulative impact and setting out the steps they will take to promote the licensing objectives in their application. The applicant has not provided a statement on this.
  - g. That the application should be refused in its entirety
6. The applicant responded to questions as follows:

**LICENSING SUB-COMMITTEE - 16.8.2017**

- a. Councillor Levy referred to the need for an applicant to focus on steps to be taken to promote the licensing objectives, he asked if the applicant understood what was meant by a CIP? In response Mr Ali said that he explains these points in his letter to Ellie Green and he accepts the conditions suggested by Licensing and the Police should the application be granted in full or in part.
  - b. The applicant referred to the list of signatures that he has presented from local residents who have stated that they have not witnessed any noise or unsocial disturbances from the restaurant in the late night hours during a given period.
  - c. Mr Ali was of the opinion that one of the complainants was actually from a competing shop nearby
  - d. When asked by Councillor Levy what Mr Ali meant by the 'trial period'? and why he was operating a business outside of the licensing hours, Mr Ali responded that he had changed the business from a Chinese to an Indian restaurant but for financial reasons he decided to try selling fried chicken and pizza.
  - e. Mr Ali was asked by Councillor Vince why he was operating outside the licensing hours and had he notified the Licensing Authority? To which Mr Ali replied that he had not notified the Licensing Authority, he said he had known the opening hours but for his personal interest he needed to do this to survive.
  - f. In answer to Councillor Pite's question did you know you were operating outside the legal opening times, he agreed that he did.
  - g. Councillor Levy asked if Mr Ali could show any steps he had taken to pursue the licensing objectives and what active steps if any he had taken to ensure no public nuisance would occur. Mr Ali agreed that he had made a mistake before operating outside the legal time, he could ask drivers not to make so much noise and orders would be taken over the phone only. He confirmed that he did not operate electric cars.
  - h. Victor Ktorakis asked if the applicant would consider reducing his application to operate within the CIP boundary hours to midnight. However Mr Ali said he would want his application hours to remain.
  - i. It was noted that there had been a previous case where the CIP conditions had been waived. Each case would be judged on its merits.
7. The summary statement of Ellie Green, Principal Licensing Officer including:
- a. Having heard all the representations, it was for the licensing sub-committee to consider whether the variation application for Indian Fusion is appropriate and in support of the licensing objectives.
  - b. The licensing sub-committee could decide to either grant the licence in full, grant the licence in part, with amended times/ activities and conditions or to refuse the application.
  - c. The sub-committee's attention was drawn to the relevant Home Office guidance and the Enfield Licensing Policy, as set out on pages 3 -4 of the report.

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8. The summary statement of Mr Altman, including:
  - a. The applicant has not provided evidence of steps he would take to promote the licensing objectives.
9. The representative of the Police and the applicant did not wish to make a summary statement

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

In considering this application, the Licensing Sub Committee (LSC) was concerned that the written submission conveyed absolutely no steps that would be taken to promote the licensing objectives, or demonstrate that there would be no negative cumulative impact as a result of extended hours for late night refreshment.

The oral submission of the applicant at the hearing failed to offer any such steps either; and under questioning, Mr Ali the Premises Licence Holder (PLH), was still unable to provide any comfort or any confidence that he understood these licensing objectives at any level, and particularly how they needed to be pro-actively promoted in applications such as the one under consideration this morning.

The LSC was persuaded by the objections submitted by the Licensing Authority and the Metropolitan Police Service that the licence holder has already failed to prove compliance with the current licence; a fact actually volunteered by the PLH in writing on 2 August 2017, and admitted at the hearing itself.

Previously given advice and guidance had still not been sufficiently heeded.

The LSC recognised that on a subsequent visit by Licensing Enforcement Officers, the premises were closed at 23:00. However, the panel also heard evidence that the business was actively advertising and promoting sales of hot food from the rear of the premises.

**LICENSING SUB-COMMITTEE - 16.8.2017**

Even if a Cumulative Impact Policy (CIP) was not in place, the objections to such extension of hours as being sought would remain because of the concerns raised over the capacity of the licence holder even to operate the extant licence effectively.

However, where a CIP does apply, it is incumbent upon the applicant to demonstrate consideration and even a basic understanding of potential cumulative impact when setting out the steps, if any, they will take to promote the licensing objectives in their application.

On this occasion, there was no compelling case made for exemption from CIP – in fact, no case was made at all for the LSC to be persuaded otherwise.

As such, the application for extended hours to allow for the licensable activity of late night refreshment until 03:00 hrs was rejected by the Licensing Sub-Committee.

If, in the future, the Premises Licence Holder were to make another application supported by compelling reasons for extended hours, a Sub-Committee might come to an alternative outcome and we suggest Mr Ali seeks professional advice to assist him in this regard.

**128**

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

Councillor Levy welcomed members of PEDSA to the meeting and explained the order of the meeting. Declarations of Interest were noted (Please see under item 2)

RECEIVED the application made by Mr Bill Haydes for a review of the Club Premises Certificate held by Ponders End Smallholders Association at the premises known as and situated at Ponders End Smallholders Association, 82A Church Road, Enfield, EN3 4NU.

**NOTED**

1.The introductory statement of Ellie Green, Principal Licensing Officer, including

- a. The review application is being made by Mr Bill Haydes, who had been a member of the club (PEDSA) for the review of the Premises Certificate.
- b. The application relates to the prevention of crime and disorder licensing objective and is made on grounds of allegations that the club is carrying on illegal financial activity. The application and grounds for review was shown at p61 of the agenda pack.



**LICENSING SUB-COMMITTEE - 16.8.2017**

- c. That the review was also originally based on the public nuisance licensing objective but this claim had now been withdrawn.
  - d. Representation of the Licensing Enforcement Officer, Charlotte Palmer was included at p505 of the agenda and Mr Victor Ktorakis was here on behalf of the Licensing Authority.
  - e. Additional information relating to independent legal advice is given at p7 of the supplementary agenda.
  - f. The applicant Mr Haydes, together with Mr Watson and Ms Nichols (who refers to themselves as the 'New Committee') are in attendance and so too is Mr Corbett who is representing PEDSA, the certificate holder.
2. The statement of Mr Haydes, the applicant together with Ms V Nichols and Mr Watson including:
- a. The application relates to the prevention of crime and disorder – reference was made to the Application for Review documents, shown at Annex 6 which refers to non-compliance of the Licensing Act 2003.
  - b. Members of PEDSA had not been given information about the finances of the club.
  - c. A fine had been made regarding late submission of accounts but this had not been disclosed to members.
  - d. The balance sheets and financial statements for the club should have been disclosed before the club's AGM and an annual return should have been submitted to the Financial Conduct Authority (FCA).
3. The applicant together with Ms V Nichols and Mr Watson responded to questions including:
- a. It was questioned whether the applicant considers that because the club had not complied with its own rules it should not be considered as a valid club. Mr Watson agreed and referred to the fact that the disclosure of financial information had not been forthcoming.
  - b. When asked by Cllr Levy whether they considered themselves to be members of PEDSA they answered yes.
  - c. Confirmed that PEDSA financial statements were obtained by purchase from the Financial Conduct Authority (FCA).
  - d. Acknowledged that Annex 11 (supplementary agenda) from the FCA stated that the society had complied with the requirement to submit annual returns and accounts however the 2016 return was now overdue.
  - e. It was asked why this Licensing Sub Committee was being asked to adjudicate between one group of people against another and whether it may have made more sense to try other arbitration sources rather than asking for the premises certificate to be revoked? it was answered that financial information had not been disclosed and although FCA now say that only the 2016 financial records are outstanding previously financial information had not been disclosed.

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- f. When asked how PEDSA is organised it was stated that it was divided between those that are full members and those that are only members of the clubhouse.
- g. When asked what may be the short term and long term consequences of reviewing the certificate it was answered by Ms Nicholls that it may be necessary to look at alternative ways of dealing with the club house such as no longer selling alcohol.
- h. Catriona McFarlane mentioned that the club may wish to surrender the Club premises Certificate and instead apply for a Premises Licence in which case there would be no requirement for the Committee to demonstrate that they meet the qualifying club criteria. It was asked if this group had obtained legal advice and this was answered in the negative.

3. The statement of Viktor Ktorakis, on behalf of the Licensing Authority including

- a. This was a complex case, it is not for this Committee to decide whether the club is making a profit or loss.
- b. Evidence suggests that PEDSA is not complying with its own club Rules and that the current rules do not meet the requirements of the Licensing Act 2003.
- c. It would be necessary for the Rules to be updated within a 6 week deadline and to the satisfaction of the Licensing Authority then the Licensing Authority would be satisfied that the club meets the requirements of a 'qualifying club' and would withdraw its representation supporting the review application.

Councillor Levy asked if a six week period was appropriate for making changes and it was agreed that it was.

4. Statement of the Premises Certificate Holder - Mr Corbett (PEDSA) including -

- a. Disputes that Mr Haydes, Ms V Nichols and Mr Watson are members of the association (PEDSA) Mr Corbett referred to the legal advice given in Annex 10 (page 7 of the supplementary agenda) that the 'new committee' has no legal standing as they were not elected during an AGM and they have failed to pay their subscription fees.
- b. There is only one Committee for PEDSA i.e there are not different ones for the Clubhouse and for the Allotments. They had been going as one association since the 1920's.

5. The Premises Certificate Holder together with members of PEDSA responded to questions as follows

- a. In response to a question about how the Committee had failed to meet the club rules regarding the submission of accounts. It was answered that as soon as the Committee were aware that it was necessary for accounts to be submitted to the FCA or a fine would be incurred then they rushed to get this done.

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- b. Councillor Levy asked if the association had considered the possibility of surrendering the Club Premises Certificate and instead applying for a Premises Licence, Mr Corbett said the club members had not requested this.
- c. It was agreed that the present club 'Rules' were outdated and would be updated, Mr Corbett was fully aware of the time frame to do this.
- d. Confirmed that all other licences as required were held by the club.
- e. The review application relates to the prevention of crime and disorder licensing objective. It was queried why the club had taken so long to publish accounts. It was acknowledged that there had been failures in the past but that when it was known that accounts had to be submitted to the FCA then this was done as soon as possible.

6. The summary statement of Ellie Green, Principal Licensing Officer including:

Having heard all the representations, it was for the Licensing Sub-Committee to consider the steps listed below to be appropriate for the promotion of the licensing objectives:

- to modify the conditions of the certificate;
- to exclude as qualifying club activity from the scope of the certificate;
- to suspend the certificate for a period not exceeding three months;
- to withdraw the certificate;
- to decide that the licensing review was not made out.

7. The summary statement of the Applicant including;

- a. The club was in breach of its loan agreement with Greene King as it was obtaining goods from other suppliers.
- b. That an AGM was not being held annually by PEDSA
- c. Members of the club do not know if fines had been paid to the FCA and for how much
- d. That there was no official treasurer for the club only a bookkeeper. This had led to a lack of expertise and the reason why annual returns have not been submitted in time.

8. The summary statement of the Premises Certificate Holder including;

- a. There was an oversight in submitting accounts to the FCA but as soon as this was apparent it was arranged for this to be done as quickly as possible. They were now compliant.
- b. There is no requirement for the club to have a Treasurer, instead they have a bookkeeper.

1. Viktor Ktorakis, on behalf of the Licensing Authority did not wish to make a summary statement.

RESOLVED that

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1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that the Licensing review was not made out

3. The Chairman made the following statement

Having considered all the submissions written and oral, from all parties, the Licensing Sub-Committee (LSC) determined that on balance, the review case brought by Mr Bill Haydes was not made out on the grounds of the sole licensing objective in contention – being prevention of crime and disorder (PCD).

The only allegation of criminal wrong doing seems to be that the Club had been convicted of specifically failing to file their audited accounts with the Financial Authority, on time and over a number of years.

Whilst the LSC considers this to be a serious failure, undermining to a certain degree our confidence in the organisation, the FCA itself states that Ponders End Smallholders Association (PEDSA) is now up to date with the exception of the 2016 accounts – which, as of today, are currently sixteen days late.

On this basis, the LSC is satisfied that the PCD Licensing Objective is not undermined sufficiently that it needs to take any of the steps available to it appropriate for the better promotion of the licensing objectives under the Licensing Act 2003.

We note that the Licensing Authority (LA), as part of the review, has separately considered and is still considering the issue of whether the PEDSA meets the Club Premises Certificate (CPC) criteria; and have in fact already given the club clear advice set against a timetable to resolve these issues to its – the Licensing Authority's – satisfaction. The implications for the validity of the CPC and the qualification status of the club as a whole, as well as alternative licensing options, were noted from the written submissions, and reiterated by questions raised during the hearing.

The Licensing Sub-Committee is not minded to take any further steps in this regard, as the Licensing Authority has the powers to deal with this situation.

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Advisory Note

The Licensing Sub Committee (LSC) was very disappointed to note there is a deep rooted and acrimonious dispute of longstanding between current and future members of the Ponders End Smallholders Association (PEDSA). However, all of the points in dispute between the respective parties, some of which played out during the hearing, are not those upon which the LSC is able to adjudicate.

However, the LSC recommends that the disputing factions seek to resolve their issues for the benefit of and in the best interests of all members of the Smallholders Association – which, after all, has managed to succeed for almost 100 years. We urge both parties before us today, going forward, to work collectively in the best interests of the Club and all of its members, and to do this as smoothly and effectively as possible without needing to involve the Metropolitan Police Service or the Licensing Authority beyond the administrative relationship to do with the current Club Premises Certificate and/ or any future Premises Licence as may be applied for.

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**MINUTES OF PREVIOUS MEETING**

RECEIVED, the minutes of previous meetings of the Licensing Sub-Committee held on 3 and 19 July 2017.

**AGREED**, that the minutes of the meetings of the Licensing Sub-Committee held on 3 and 19 July 2017 be confirmed and signed by the Chair as a correct record.

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