

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 26 February 2020* at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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*Postponed from 5 February 2020)

Councillors : Mahmut Aksanoglu (Chair), Christine Hamilton 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. PONDER'S END SMALLHOLDERS ASSOCIATION, 82A CHURCH ROAD, ENFIELD EN3 4NU (REPORT NO. 209) (Pages 1 - 112)

Review of Club Premises Certificate.

4. 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)

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MUNICIPAL YEAR 2019/20 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
5 February 2020

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003 & Gambling Act 2005

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

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 9 August 2005, an application (under the Licensing Act 2003) by the Ponders End Smallholders Association to convert an existing Justices Club Registration Certificate to a Club Premises Certificate, which was not subject to any representations, was granted by officers in accordance with delegated powers, LN/200600378.

- 1.2 On 29 September 2016, an application (under the fast track remit Gambling Act 2005) by Ponders End Smallholders Association for a new Club Machine Permit, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 Ponders End Smallholders Association is a long-established allotments society registered members club, which places separate obligations on the club in terms of its club rules and constitution via the Financial Service Authority (FSA). Club premises certificates are only made available under the legislation to qualifying members clubs and the club activities may be carried on for club members, bona fide guests or associate club members and their guests. Unlike the system for premises licences, the legislation allows clubs to operate licensable club activities without a designated premises supervisor (DPS) or personal licence holder(s). No general public licensable activities may take place reliant on a club premises certificate as these would need to be authorised by means of a full premises licence or else temporary event notices.
- 1.4 This is the second review application received for LN/200600378. On 23 June 2017 an application was made by a Member of the club for the review of Club Premises Certificate LN/200600378, in accordance with Section 87(1)(c).
- 1.5 The review application was heard by the Licensing Sub-Committee on 16 August 2017, and the decision was to not make any changes. The full licensing report, decision and minutes can be found on the council website [here](https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=12316&Ver=4) or by following this link: <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=12316&Ver=4>
- 1.6 The current Club Premises Certificate permits:
 - 1.6.1 Hours the premises are open to the public: 24 hours daily
 - 1.6.2 Supply of alcohol (on and off supplies): Sunday 12:00 to 22:30, Monday to Saturday 10:00 to 23:00.
 - 1.6.3 Recorded music (indoors): 24 hours daily.
 - 1.6.4 Late Night Refreshment (Indoors only): 23:00 to 05:00 daily.
- 1.7 A copy of the Club Premises Certificate is attached as Annex 1.
- 1.8 A copy of the Club Rules is attached as Annex 2.
- 1.9 On preparing this report, it came to the attention of the Licensing Team that the annual fee for the Club Premises Certificate has not been paid. The annual fee period expired on 22 June 2019, however, the annual fee reminder was not sent until 24 September 2019. As the fee was not paid within 28 days of the annual fee reminder (i.e. by 23 October 2019), the club premises certificate is now suspended. A reminder letter was sent on 20 January 2020, about not providing unlicensed activities until the annual fee is paid.

2 THIS APPLICATION:

- 2.1 On 17 December 2019 an application was made by the Licensing Authority for the review of Club Premises Certificate LN/200600378, in accordance with Section 87(1)(c).
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made because the Licensing Authority has lost confidence that the club is being run in line with the legal requirements and has ceased to be a qualifying club.
- 2.3 The Licensing Authority considers that it is now appropriate, for the promotion of the licensing objectives, to withdraw the club premises certificate in its entirety.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the review application and the Additional Information is attached as Annex 3.
- 2.9 At the time of writing this report, the Licensing Team have not received any written response to the review on behalf of Ponders End Smallholders Association.

3 RELEVANT REPRESENTATIONS:

- 3.1 No representations were received on behalf of the Responsible Authorities.
- 3.2 Other Persons: Three representations were received by local residents, referred to as IP1 to IP3 respectively. All three of these representations support the review application and their representations are based on the prevention of crime and disorder, prevention of public nuisance, and the protection of children from harm licensing objectives. These representations are now produced in Annex 4.

4 RELEVANT LAW:

Licensing Act 2003

- 4.1 A hearing is necessary to determine the review application following receipt of relevant representations which have not been withdrawn. The Licensing Authority must carry out its functions under the Act with a view to promoting the licensing objectives, which are:
 - (a) the prevention of crime and disorder;
 - (b) public safety;
 - (c) the prevention of public nuisance; and
 - (d) the protection of children from harm
- 4.2 In carrying out its licensing functions, the Licensing Authority must have regard to its Statement of Licensing Policy published under section 5 of the Act, and any guidance issued by the Secretary of State under section 182.
- 4.3 Section 6 of the Guidance (April 2017 revision – ‘Guidance’) issued by the Secretary of State under section 182 of the Licensing Act 2003 refers to clubs. Club Premises Certificates can only be issued to qualifying clubs. A qualifying club must satisfy the conditions set out in sections 62 and 64 of the Licensing Act 2003 namely:

4.4 Section 62 – General conditions

Condition 1 – under the rules of the club persons may not be admitted to membership or be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.

Conditions 2 – under the rules of the club, persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

Condition 3 – the club is established and conducted in good faith as a club.

Condition 4 – the club has at least 25 members.

Condition 5 – alcohol is not supplied or intended to be supplied to members on the premises otherwise than by or on behalf of the club.

4.5 Section 64 – additional conditions for the supply of alcohol

Additional condition 1 – the purchase of alcohol for the club and the supply of alcohol by the club is managed by a committee whose members are:

- a) members of the club
- b) have attained the age of 18 years, and
- c) are elected by members of the club

Additional condition 2 – no arrangements are, or are intended to be, made for any person to receive at the expense of the club any commission, percentage or similar payment on, or with reference to, purchases of alcohol by the club

Additional condition 3 – no arrangements are, or are intended to be, made for any person directly or indirectly to derive any pecuniary benefit from the supply of alcohol by or on behalf of the club to members or guests apart from:

- a) any benefit accruing to the club as a whole, or
- b) any benefit which a person derives indirectly by reason of the supply giving rise or contributing to a general gain from the carrying on of the club

4.6 Where it appears to an authority that a club does not satisfy the conditions for being a qualifying club, Section 90 Licensing Act 2003 requires that the authority gives notice to the club withdrawing the certificate.

4.7 The notice withdrawing the certificate takes effect immediately unless the reason for withdrawing is that the club has less than 25 members. In this case the notice must contain a statement that it does not take effect for a period of three months and it will not take effect at the end of that period if the club has more than 25 members.

4.8 Further Background Legislation Licensing Act 2003:

Section 61 - Qualifying clubs

(1) This section applies for determining for the purposes of this Part whether a club is a qualifying club in relation to a qualifying club activity.

(2) A club is a qualifying club in relation to the supply of alcohol to members or guests if it satisfies both—

- (a) the general conditions in section 62, and
- (b) the additional conditions in section 64.

(3) A club is a qualifying club in relation to the provision of regulated entertainment if it satisfies the general conditions in section 62.

Section 63 - Determining whether a club is established and conducted in good faith

(1) In determining for the purposes of condition 3 in subsection (4) of section 62 whether a club is established and conducted in good faith as a club, the matters to be taken into account are those specified in subsection (2).

(2) Those matters are—

(a) any arrangements restricting the club's freedom of purchase of alcohol;

(b) any provision in the rules, or arrangements, under which—

(i) money or property of the club, or

(ii) any gain arising from the carrying on of the club,

is or may be applied otherwise than for the benefit of the club as a whole or for charitable, benevolent or political purposes;

(c) the arrangements for giving members information about the finances of the club;

(d) the books of account and other records kept to ensure the accuracy of that information;

(e) the nature of the premises occupied by the club.

(3) If a licensing authority decides for any purpose of this Act that a club does not satisfy condition 3 in subsection (4) of section 62, the authority must give the club notice of the decision and of the reasons for it.

4.9 Gambling Act 2005

Section 18(1) If the holder of a Club Machine Permit ceases to be a members' club, the permit shall lapse.

4.10 Guidance:

4.10.3 Section 11.24 states that a number of reviews may arise in connection with crime that is not directly connected with licensable activities. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.

4.10.1 Section 11.25 states that reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

Decision:

4.11 As a matter of practice, the Sub-Committee 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 [Guid 9.36].

4.12 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:

4.13 the steps that are appropriate to promote the licensing objectives;

4.13.1 the representations (including supporting information) presented by all the parties;

4.13.2 the guidance; and

4.13.3 its own statement of licensing policy [Guid 9.37].

4.14 Section 88 Licensing Act 2003: Determination of application for review

(3)The authority must, having regard to the application and any relevant representations, take such of the steps mentioned in subsection (4) (if any) as it considers necessary for the promotion of the licensing objectives.

(4)The steps are—

(a)to modify the conditions of the certificate;

(b)to exclude a qualifying club activity from the scope of the certificate;

(c)to suspend the certificate for a period not exceeding three months;

(d)to withdraw the certificate;

and for this purpose the conditions of the certificate are modified if any of them is altered or omitted or any new condition is added.

14.15 Section 90: Withdrawal of certificates, Club ceasing to be a qualifying club

(1) Where—

(a) a club holds a club premises certificate, and

(b) it appears to the relevant licensing authority that the club does not satisfy the conditions for being a qualifying club in relation to a qualifying club activity to which the certificate relates (see section 61),

the authority must give a notice to the club withdrawing the certificate, so far as relating to that activity.

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

Contact Officer:
Ellie Green on 020 8379 8543

Licensing Act 2003**PART A – CLUB PREMISES CERTIFICATE**

Granted by the London Borough of Enfield as Licensing Authority

Club Premises Certificate No. : **LN/200600378**

Club Details

Club in whose name this certificate is granted and relevant postal address of club :

Club name :	Ponders End Smallholders Assoc
Telephone number :	020 8805 0215
Address :	82A Church Road Enfield EN3 4NU

Postal address to which this certificate relates (if different from above) :

Telephone number :	Not applicable
Address :	

Where the certificate is time-limited, the dates :

Not time limited

The opening hours of the club, the licensable activities authorised by the certificate and the times the certificate authorises the carrying out of those activities :

- | | |
|-----|--|
| (1) | Open to the Public - Whole Premises |
| | Sunday : 00:00 - 00:00 |
| | Monday : 00:00 - 00:00 |
| | Tuesday : 00:00 - 00:00 |
| | Wednesday : 00:00 - 00:00 |
| | Thursday : 00:00 - 00:00 |
| | Friday : 00:00 - 00:00 |
| | Saturday : 00:00 - 00:00 |

- | | |
|-----|---|
| (2) | Supply of Alcohol - On and Off Supplies |
| | Sunday : 12:00 - 22:30 |
| | Monday : 10:00 - 23:00 |
| | Tuesday : 10:00 - 23:00 |
| | Wednesday : 10:00 - 23:00 |
| | Thursday : 10:00 - 23:00 |
| | Friday : 10:00 - 23:00 |
| | Saturday : 10:00 - 23:00 |
| | Good Friday : 12:00 - 22:30 |
| | Christmas Day : 12:00 - 15:00 & 19:00 - 22:30 |
| | New Year's Eve : from the end of permitted hours on New Year's Eve to |

the start of permitted hours on New Years Day

(3) Recorded Music - Indoors

Sunday :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

(4) Late Night Refreshment - Indoors

Sunday :	-
Monday :	23:00 - 23:30
Tuesday :	23:00 - 23:30
Wednesday :	23:00 - 23:30
Thursday :	23:00 - 23:30
Friday :	23:00 - 23:30
Saturday :	23:00 - 23:30
New Years Eve :	23:00 - 05:00

Club Premises Certificate LN/200600378 was first granted on 23 June 2005.

Signed :

Date : 7th June 2007 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

- 1. Any supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises.**
- 2. Any supply of alcohol for consumption off the premises must be in a sealed container.**
- 3. Any supply of alcohol for consumption off the premises must be made to a member of the club in person.**

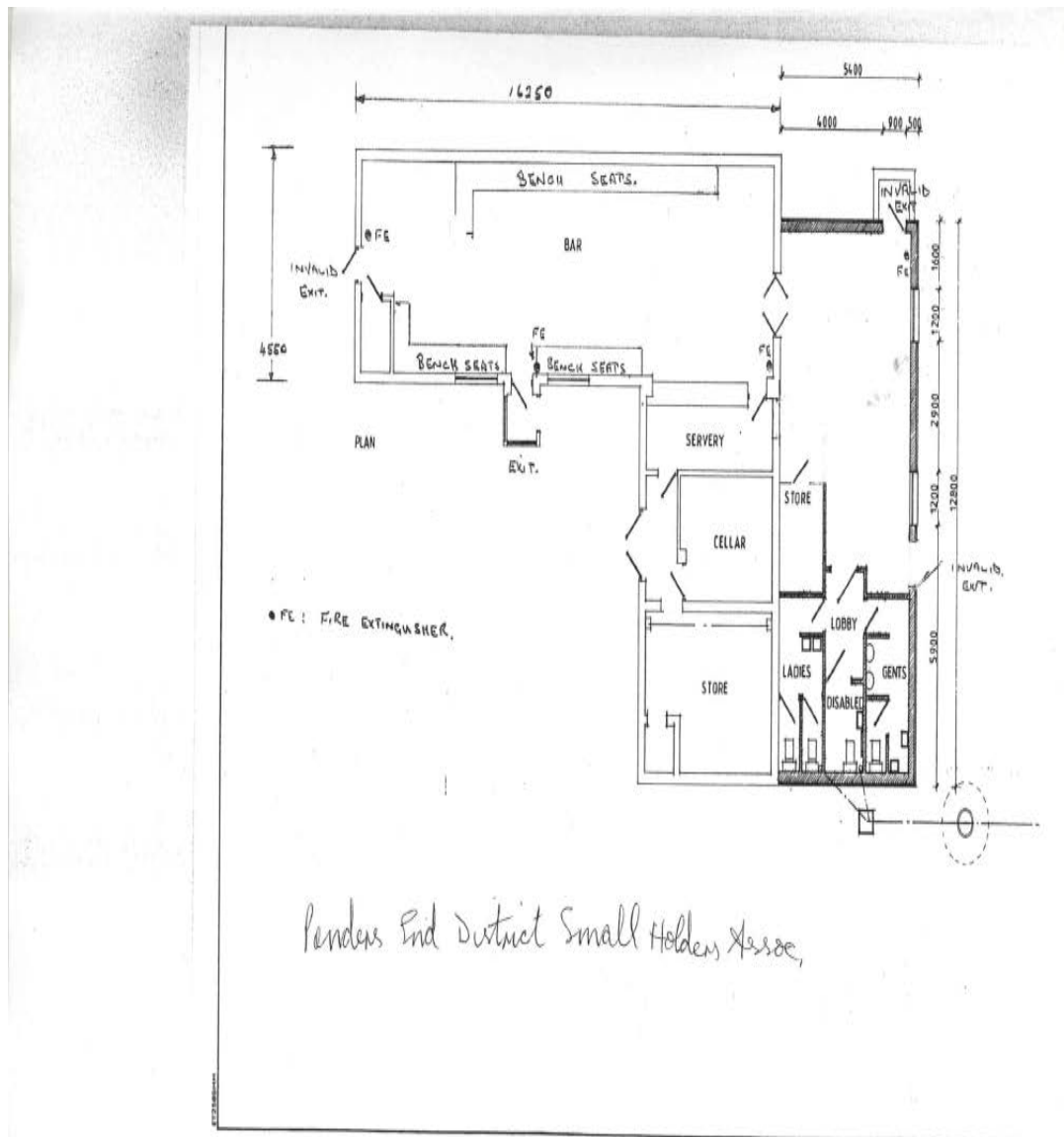
Annex 2 - Conditions consistent with the Operating Schedule

- 4. Alcohol shall not be sold or supplied except during the following permitted hours:**
 - (a) On weekdays (other than Christmas Day or Good Friday) 10:00 - 23:00;**
 - (b) On Sundays (other than Christmas Day) 12:00 - 22:30;**
 - (c) On Good Friday 12:00 - 22:30;**
 - (d) On Christmas Day 12:00 - 15:00 & 19:00 - 22:30;**
 - (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day.**

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

Not applicable

Annex 4 – Plans



Ponders End & District Smallholders Association Ltd

V.A.T Registration: 221-2134-30

Registered No: 7647 R Middlesex

Registered Office: Falcon Fields, Church Road, Enfield, EN3 4NX

Phone: 0208 805 0215

RULEBOOK – 27/08/17

I – NAME, OBJECTS, ETC

1. Name – the name of the society shall be the Ponders End and District Smallholders Association, Limited
2. Registered office – the registered office of the society shall be at Falcon Fields, Church Road, Ponders End, in the London borough of Enfield, Middlesex, EN3 4NY
3. Removal of office – in the event of any change in the situation of the registered office, notice of such change shall be sent within 14 days thereafter to the registrar in manner and form prescribed by the treasury regulation
4. Objects – the objects of the society shall be:-
 1. To carry on the business of creating or promoting the creation of small holdings or allotments, and encouraging their proper cultivation, with power to acquire land from local authorities acting under the provisions of any act for the time being in force relating to small holdings or allotments, or from any other person or body; to adapt any land so acquired for small holdings or allotments, to acquire or erect dwelling houses or other buildings, or to execute any other improvements, and to let the land, houses and buildings to members of the society.
 2. To carry on the business of wholesale and retail dealers in horticultural and agricultural requirements, dairy, farm, and garden produce, eggs and poultry; and any other class of goods the committee may direct; and any other trades, industries or businesses which may seem calculated to conduce to the more profitable working of small holdings or allotments
5. Powers – the society shall have full power to do all things necessary or expedient for the accomplishment of its objects, including the power to deal in any way with land or buildings.

II – SHARES

6. Shares – shares shall be transferable, but not withdrawable. They shall be of the nominal value of £1, of which 5p shall be payable on application, and the remainder in such calls as the committee may direct.
7. Calls – except for the purpose of making good any deficit in the rent or other charges payable by the Society in respect of land held by it, no call shall exceed 15p per share. At least three months must elapse between two consecutive calls, and at least two weeks' notice shall be given of the payment of any call.

III – MEMBERSHIP

8. Members – the society shall consist of the persons by whom the application for registration is signed and such other persons, societies or companies, as the committee may admit.

48. Annual membership fees/annual subscriptions become due each year on 1st January. All such fees/subscriptions are ONLY to be paid:

- In the clubhouse
- To a member/members of the elected Committee
- Between the allotted timeframes given (the Committee will notify members of these timeframes in advance)

All fees/subscriptions must be paid on or before 31st March each year; otherwise membership ceases as of midnight on 31st March.

9. (i) Shares to be held by Members – Individual members shall hold not more than one share.

(ii) Cessation of membership – a member shall cease to be a member in the following eventualities:

- (A) The member's death; or
- (B) The member's resignation; or
- (C) The expulsion of the member under rule 10; or
- (D) Where the member has been required to pay an annual subscription the non-payment thereof for the period for 3 months after it has become due and notice duly given

10. Expulsion of members – a Special General Meeting, may, by a two-thirds majority expel any member upon a charge of conduct detrimental to the society, provided the charge has been communicated to the member at least one calendar month prior to the date of the meeting. On expulsion a member shall forthwith transfer his/her shares to a person nominated or approved by the committee on payment to such member of the value of his/her shares, but not more in any case than the amount paid up on such shares.

46. Persons may not: (a) be admitted to membership or, (b), be admitted, as candidates for membership, to any of the privileges of membership, without an interval of at least two days between their nomination or application for membership and their admission.

47. Persons becoming members without prior nomination or application may not be admitted to the privileges of membership without an interval of at least two days between their becoming members and their admission.

IV – PROFITS

11(a) Division of profits – the payment of five per cent interest on the paid-up share capital shall be the first charge on the net profits arising from the general business of the Society under Rule 4, sub-section (2), including the interest paid to the general account of the Society under Rule 11a, sub-section (3). The balance of such net profits shall be allocated as follows:-

- 1. At least one half to the Reserve Fund until the said fund equals the share capital, and afterwards such proportion as the Annual Meeting shall decide.
- 2. Not less than five per cent to the workers employed by the Society at the time division takes place as a bonus proportionate to the wages earned by them respectively during the period to which the division relates.

3. The remainder shall be divided amongst the members as the members shall determine at a General Meeting.

V – SMALL HOLDINGS AND ALLOTMENTS SEPARATE ACCOUNT

11b. Small holdings and Allotments Separate Account – A separate account shall be kept by the Society of all income and expenditure of the Society under Rule 4, sub-section (1). The income shall be applicable as the Committee may determine for the following purposes and for no other purpose whether during the existence of the Society or on dissolution:-

- (1) For payment of the expenses of managing land, houses and buildings acquired or erected under the said Rule including payment of rent, rates, taxes and other like outgoings.
- (2) For payment of expenses of repairs or improvements from time to time made by the Society on such land, houses, and buildings.
- (3) For payment to the general account of the Society of interest at the rate of five per cent per annum or 1% above the Barclay's Bank Plc Base Lending Rate on all capital expenditure by the Society on the acquisition or adaptation of such land, houses and buildings.
- (4) For recouping capital expenditure by the Society on improvement or adaptation of the land, houses and buildings within such period as is reasonable having regard to the probable duration of the improvement or work of adaptation.
- (5) For forming a Special Reserve Fund not exceeding one year's annual value of the land, houses and buildings, and so that such reserve fund shall be available for any purpose authorised by this Rule but for no other purpose.
- (6) For prizes for the encouragement of the proper cultivation of the land; and
- (7) For the benefit of the tenants generally in such manner as the Committee may determine.

Nothing in this rule shall be deemed to prohibit an arrangement between the Society and a tenant for the repayment of rebatement of part of the rent payable by him/her to the Society.

Nothing in this rule shall prejudice or affect any right or remedy of any creditor of the Society.

VI. LOANS AND INVESTMENTS

12. Loans – Deposits shall not be taken either from members or non-members. The Committee may obtain loans on such security and such terms of repayment as they may think fit, provided that the amount shall not exceed twice the then issued capital of the Society, and that the rate of interest shall not exceed five per cent, or (if the Barclays lending Bank base rate is more than four per cent) one per cent above the Barclays Bank Plc base lending rate. Subject to the same condition as to the rate of interest, a General Meeting may authorise the Committee to obtain loans to a further amount, provided that the total amount of the loans shall not exceed five times the issued share capital.
13. Investments – The Committee may invest any funds of the Society in any security authorised by the Section 31 of Industrial & Provident Societies Act 1965.

VII. TRANSFERS

14. Committee's consent to Transfers – No transfer of shares shall be valid unless the Committee's consent has been obtained thereto, and the transfer is made in the form provided in Rule 16. A non-member to whom the shares are transferred with the

Committee's consent shall thereby become a member of the Society, provided he/she holds a sufficient number of shares to qualify for membership in accordance with Rule 9.

15. Share Register – A share register shall be kept in which shall be recorded the name of the person to whom each share was originally allotted and the date of allotment; if the share is transferred, the name of the person to whom it is transferred, and the date of transfer; and of the share if cancelled, date of cancelling.
16. Form of Transfer – Every Transfer of shares shall be in the following form, or as near thereto as practicable:-

This instrument, made the _____ day of _____, between A, of _____, and B, of _____ witnesses, that in consideration of the sum of £_____ paid by the said B to me, I the said A, hereby transfer to the said B, his executors, and assigns, the _____ shares numbered _____ now standing in my name in the books of the above-named society, to hold the said shares upon the same conditions on which I now hold the same; and that I, the said B, hereby accept the said shares, subject to the said conditions. In witness whereof we have hereto set our hands.

_____ Signature of Transferor

_____ Signature of Transferee

17. Fee on Transfers – A fee of £1 shall be paid to the Society on every transfer of shares.

VIII – REPAYMENT OF SHARES

18. Repayment by Request – The Committee may, on the application of a member, in case of distress or removal from the district or for other good reason, repay to him/her a sum not exceeding the amount paid up and cancel the share.

IX – GENERAL MEETINGS

19. Ordinary General Meetings – The Annual General Meetings, at which the accounts shall be submitted and the officers for the ensuing year elected, and other Ordinary General Meetings shall be held at such times as the Committee or a General Meeting shall determine.
20. Special General Meetings – Special General Meetings may be held at such times as the Committee or a General Meeting may determine, and shall be held upon the requisition in writing of at least five members.
21. Notice of General Meetings – At least seven days' notice shall be given of every General Meeting.
22. Voting at General Meetings – At General Meetings each member shall have one vote.
23. Quorum at General Meeting – Unless otherwise determined by a previous General Meeting, a quorum at General Meetings shall consist of five members.
24. Committee of Management – The business of the society shall be conducted by a Committee of Management, which shall be elected at the Annual General Meeting. The General Meeting shall determine the number of members of which the Committee shall consist, the qualifications of Committee members, their order of retirement and eligibility for re-election, and how casual vacancies in the Committee shall be filled. There shall be a minimum of five and a maximum of ten committee members who shall have been members of the Society for not less than two years and who shall retire and can offer themselves for re-election at each Annual General Meeting. To fill the vacancies the Committee shall nominate a sufficient number of members of the Club and a list of the names of those who

retire as well as of those who are proposed to supply their places shall be posted in the clubhouse seven days before such meeting. Any two members may propose any other candidate or candidates by notice in writing to the Secretary seven days at least before the meeting and the Secretary shall forthwith post the same. Every member of the club shall be entitled to vote for as many candidates as there are vacancies to be filled, and no more. The candidates upto the number of vacancies who shall receive most votes shall be declared elected and in the case of two or more candidates receiving an equal number of votes there shall be a second election for the vacant position with just the two candidates standing.

25. Quorum at Committee Meetings – Unless otherwise determined by a General Meeting, a quorum at Committee Meeting shall consist of three members.
26. Committee of Management of Club House – The business and management of the Club House shall be conducted by a Committee of Management subject to the provisions relating to election and otherwise as are contained in the previous sub-paragraph 24 hereof. A duly elected Committee of Management of the Club House shall have power to introduce and enforce any bye-laws relating to the Club House provided that such bye-laws are displayed in a prominent position in the Club House. The Committee of Management of the Club House will have full control over the purchase and supply of alcohol.
27. Special Meetings of the Committee – A Special Meeting of the Committee shall be held on the requisition in writing of at least three Committee members.
28. Committee members becoming Surety – Should any member of the Committee, with the consent of the Committee, become surety for any debt or liability incurred on behalf of the Society, he/she shall not be removed from office without his/her consent until such liability has ceased.

X – OFFICERS

29. Chairperson – The Chairperson shall be elected by the Annual General Meeting and shall hold office for one year, but shall be eligible for re-election.
31. Other Officers – The Committee shall appoint and may remove a Secretary and such other officers as they may deem necessary and shall determine their respective duties and remuneration. A treasurer or book-keeper will work with the Committee and the Secretary to keep the financial records of the Association up-to-date, and to support the production of annual accounts.
32. Security of Officers – Every officer having charge of any of the moneys of the Society shall, before entering on his/her duties, give such security as the Committee shall deem sufficient.

XI – THE SEAL

33. Use of the Seal – The Seal of the Society shall be a steel engraven one, and shall not be affixed to any document without the express authorisation of the Committee, and the affixing of the seal shall be attested by the signatures of two committee members and the secretary.
34. Custody of the Seal – The Seal shall be kept in the custody of the Secretary, or such other officer as the Committee shall direct.

XII – USE OF NAME

35. Use of Name – The registered name of the Society shall, wherever possible, be painted or affixed on the outside of every office or place in which the business of the Society is carried on, in a conspicuous position, in letters easily legible, and shall be engraven in legible characters on its seal, and shall be mentioned in legible characters in all notices,

advertisements, and other official publications of the Society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of the Society, and in all bills of parcels, invoices, receipts, and letters of credit of the Society.

XIII – ANNUAL RETURNS AND BALANCE SHEET

37(a) Every year not later than the date provided for in the 1965 Act the secretary shall send to the Registrar the annual return in the form prescribed by the Chief Registrar of Friendly Societies relating to its affairs for the period required by the 1965 Act to be included in the return together with:-

- i. a copy of each balance sheet made during that period.

The Society shall supply free of charge to every member on his/her application a copy of the last annual return of the society for the time being together with a copy of (the) balance sheet contained in the return.

The Society shall keep a copy of the last balance sheet for the time being at the premises of the registered office.

XIV – PROCEEDINGS ON DEATH OF A MEMBER

38. Upon a claim being made by the personal representative of a deceased member or the trustee in bankruptcy of a bankrupt member to any property in the Association belonging to the deceased or bankrupt member the Association shall transfer or pay such property to which the personal representative or trustee in bankruptcy has become entitled as the personal representative or trustee in bankruptcy may direct.

XV – NOMINATIONS

39(a) A member may in accordance with the Act nominate any person or persons to whom any of his/her property in the Association at the time of his/her death shall be transferred but such nomination shall only be valid to the extent of the amount for the time being provided in the Act.

- (b) On receiving satisfactory proof of death of a member who has made a nomination the Committee shall, in accordance with the Act, either transfer or pay the full value of the property comprised in the nomination to the person entitled thereunder

40. Inspection of Books – Any ten members of the Society each of whom has been a member of the Society for not less than twelve months immediately preceding the date of the application, may apply to the Registrar in the form prescribed by the Treasury Regulations to appoint an actuary or accountant to inspect the books of the Society and to report thereon pursuant to Section 47 of the Industrial and Provident Societies Act, 1965.

41. Inspection of Affairs – It shall be the right of one-tenth of the whole number of members, or if the number of members shall at any time exceed 1000, it shall be the right of 100 members, by an application in writing to the Chief Registrar, signed by them in the forms respectively prescribed by the Treasury Regulations:-

- (a) To apply for the appointment of an inspector or inspectors to examine into the affairs of the Society and to report thereon.
- (b) To apply for the calling of a special meeting of the Society.

XVI – ARBITRATION

42. Arbitration – In case any dispute arises between the Society of any of its officers and any member or persons claiming on account of a member or under the rules, or, in case of any complaint against member, application may be made to the Committee for redress, and should the Committee not bring the parties to agreement, the matter in dispute shall be submitted to the arbitration of three persons, one appointed by each of the parties concerned, and the third by the Governors of the Federation of Agricultural Co-operatives. The award of the Arbitrators shall be final, and the costs of such arbitration shall be borne by the disputing parties in such proportion as the arbitrators may determine. In this rule the word “members” includes any person aggrieved who has for not more than two months ceased to be a member.

XVII – DISSOLUTION OF THE SOCIETY

43. Dissolution of the Society – The Society may at any time be dissolved by the consent of three-fourths of the members, present or by proxy, testified by the Treasury Regulations, or by winding up in manner provided by the Industrial And Provident Societies Acts.

XVIII – COPIES OF RULES

44. Copies of Rules – It shall be the duty of the Committee of Management to provide the secretary with a sufficient number of copies of the rules, to enable him/her to deliver to any member on demand a copy of such rules on payment of a sum not exceeding ten pence and of the secretary to deliver such copies accordingly.

45. Mode of amending Rules – The rules may be amended by resolution of a three-fourths majority of the members present or by proxy at a Special General Meeting.

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Annex 3

Application for the review of a premises licence or club premises certificate 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 **Charlotte Palmer Senior Licensing Enforcement Officer**

apply for the review of a premises licence under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Ponders End and District Smallholders Association 82A Church Road	
Post town	Post code (if known)
Enfield	EN3 4NU

Name of premises licence holder or club holding club premises certificate (if known)
Ponders End and District Smallholders Association

Number of premises licence or club premises certificate (if known)
LN/200600378

Part 2 - Applicant details

I am

Please tick yes

1) an interested party (please complete (A) or (B) below)

- | | |
|---|--------------------------|
| a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |

- 2) a responsible authority (please complete (C) below) ☒
- 3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

☐

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 0208 132 2004
E-mail address: charlotte.palmer@enfield.gov.uk

This application to review relates to the following licensing objective(s)

Please tick one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

**Please state the ground(s) for review:** (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the club premises certificate on the grounds that the club no longer meets the qualifying club criteria.

This review is primarily based on the prevention of crime and disorder licensing objective. **The review application is to revoke the club premises certificate in its entirety.**

Background:

The club premises certificate for this club has been reviewed before. A review was submitted on 23/06/17 by Mr Bill Haydes. The hearing took place on 16/08/17. Over 2 years later issues raised in that review have still not been resolved. As way of background that review application is enclosed as **Appendix A**. The decision notice is enclosed as **Appendix B** and the minutes from the hearing are enclosed as **Appendix C**. The full hearing bundle (over 600 pages) can be viewed on Enfield Council's website via the following link:

<http://governance.enfield.gov.uk/mgAi.aspx?ID=41243#mgDocuments>

History since the previous review:

29/08/17 – New Club Rules submitted dated 27/08/17 – rules have been amended in line with review requirements.

26/06/18 - Letter from complainant asking if 2016 accounts and updated rule book had been submitted.

24/07/18 – An Officer (CPX) checked the FCA Mutual Public Register. 2016/2017 accounts not shown and updated rules not submitted. Email sent to club asking for 2016 accounts to be provided by 27/07/18.

31/07/18 – Email received from club advising accounts nearly finalised but issue with individuals withholding documents.

16/10/18 - Letter from complainant asking if 2016 accounts and updated rule book had been submitted.

17/10/18 – Email sent to club asking for 2016 accounts to be provided. Response received from club agreeing to chase up accounts.

07/11/18 – Email sent to club chasing up 2016 accounts. Response received from club agreeing to chase up accounts.

16/08/19 – Letter from complainant asking if 2016 accounts and updated rule book had been submitted.

20/08/19 – An officers (CPX) checked the FCA Mutual Public Register accounts for 2016, 2017, 2018 not shown. Email sent to club requesting accounts by 31/08/19.

21/08/19 – Complaint received alleging that the club is being operated for the sole benefit of Ms L.Marsh, her son Mr R.Kemp, and their close friends and family members. Concern raised over the lack of published accounts meaning members have no way to check the financial arrangements put in place by Ms Marsh and Mr Kemp. It is also alleged that they are subletting part of the club out to a third party – possibly a charity – details of which have apparently been withheld from members and no members vote was held on this decision. A further concern raised was that the alleged charity could not be found by the complainant on the Charities Register. It is alleged that Mr Kemp has appointed himself as Chairman of the Association and that he has also appointed a new committee, made up solely of his friends and family with none of these decisions being put to a members' vote at an AGM. It is also alleged that those appointed have not been members of the club long enough to be voted on to the committee (in breach of the club rule 24). The complainant advised that requests by members for an AGM have been ignored.

27/08/19 – Email from club (Secretary Lin Marsh) explaining due to a private matter that occurred in February 2018 the accounts are still not finalised.

27/08/19 – Email to club (LM) stressing information was requested 2 years ago, recommending the rest of the committee be asked to assist and requesting the information by the end of September 2019.

30/09/19 – Email sent (EVG) to club (LM) reminding of the deadline given.

02/10/19 – Email from club (LM) requesting a meeting. Officer (EVG) suggested Tuesday 15 October. LM advised she works Tuesday to Friday 8.30 to 4.30. Meeting later arranged for Monday 21st October 2019.

18/10/19 - Letter from complainant asking if 2016 accounts had been submitted.

21/10/19 – Lin Marsh and Maria Swords attended a meeting with a Senior Licensing Enforcement Officer (CPX). During the meeting Lin Marsh and Maria Swords were asked who the committee members are. The following details were given: Ricky Kemp who Lin said is a long standing member of the club has been the Acting Chair since May 2017. Linda Marsh – Secretary, Treasurer – none (conflicts with Club Rule 31), Operations Co-ordinator – none, Fundraising Co-ordinator - Maria Swords (member for 12 years, later in an email listed as Assistant Secretary, Volunteer Co-ordinator – Tina Kemp (later listed as Entertainment), Assistant to the Committee - Brenda Lennon (later listed as Bar and Finance) and Jenny, Ground Steward – Fabian James, Trading Hut Steward - Jenny (surname 'Page' later provided). (The name Vicky Ginder was also later provided in relation to Entertainment). Lin Marsh was asked if any of the committee members were related and advised that Ricky

Kemp and Tina Kemp were brother and sister. When asked if there were any other family connections, she said no.

When asked about the missing 2016 accounts and subsequent 2017 and 2018 accounts the officer was told that there had been a fire at the accountants office and that a previous committee member had withheld paperwork from them making it difficult to finalise the accounts. Lin Marsh advised that as of May 2019 they were in control of all of the finances and that they had raised the issue with members at a meeting and that members had requested meeting every three months. When asked when the last AGM was the officer was told that there was no AGM in June 2019. The committee members could not remember if there was one in 2018 or not.

Rule 19 states:

Ordinary General Meetings – The Annual General Meeting, at which the accounts shall be submitted and the officers for the ensuing year elected, and other Ordinary General Meeting shall be held at such times as the Committee or a General Meeting shall determine.

Although the committee can decide when the AGM will take place it is called an 'Annual' General meeting as it has to take place every year. The club does not appear to be complying with its own rules.

When asked whether any part of the club was being sublet the officer was advised that a plot had been given to a lady to use as a sensory garden for the autistic son of a member and that the same lady used a shed for a charity called 'Sonny the Snail' Lin Marsh advised that the club gained no money from this but that it had been voted on and agreed by members. She was asked to provide the charity details and the minutes from the meeting when this was decided. (To date these have not been provided).

The officer was advised that there was going to be an emergency meeting on Sunday 27th October 2019 and that there had been another one three months before that.

When asked for the name of the accountant the name Mr Mandra was given. The officer asked for his contact details to be sent to them (to date, not received).

Lin Marsh was given a letter listing information the officer wanted her to supply them with by 11th November 2019 (the letter stated 4th November originally, but Lin Marsh requested a week's extension during the meeting which was agreed by the officer. A copy of the letter is attached as **Appendix D**.

11/11/19 – Two emails were received from Lin Marsh in response to the letter dated 21 October 2019. Detailed below are the points raised in the officer's letter followed by details of the response provided and officers comments in relation to each point.

The email from the club can be found as **Appendix E, F and G**.

- Details of the membership application process – including any restrictions relating to access to the premises, nomination of members etc. **Information has been provided but no mention was made as to whether membership starts straight away or if there is a certain length of time that needs to elapse after applying and before becoming a member. This issue was addressed in the updated rule book following the previous review (information detailed below brings in to question which version of the rule book if any is currently being followed).**

- Evidence that the club has at least 25 members. **The document supplied is a list of people who have not renewed their membership with the association and does not prove that the club has at least 25 members. Copy of 'Subs for Banking' were also submitted which list names but is too small to read' It is unclear if this was submitted as proof of membership numbers or accounts.**
- Evidence that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club. **Lin Marsh advised that the clubhouse is the sole alcohol licence holder. This does not demonstrate that the alcohol is only supplied to members rather than member of the public who have walked in off the street to purchase alcohol without being members. The club cannot be hired out to the public and only members and their bona fide guests can be supplied with alcohol.**
- What is the nature of the club? (i.e. what is the common thread that links members – are they all allotment holders?) **This information has been provided.**
- Evidence that alcohol is only purchased by a committee who are members, over 18 years old and elected to that committee – ie names and membership number, evidence they are over 18 years old, evidence showing when and how they were elected. **Two invoices have been provided one relating to Hills Prospect in the name of Ponders End Smallholders Association and the other relating to Marco and in the name of Mrs L C Marsh. It was also advised that all drinks are purchased by Linda Marsh or Maria Swords and the name of another supplier was also provided.**
- The books of accounts and any other records kept to ensure the accuracy of the financial dealings of the club from 2016 to date. **During the meeting on 21st October 2019 the officer was advised that only accounts from May 2019 were available as the committee had not been provided with paperwork prior to that date from the previous Chairman. Seven documents were supplied which appear to be lists of 'Subs for Banking' from January and February 2019. These documents were sent via email and it is not possible to zoom in on the pages without blurring the image. This is not sufficient evidence of accounts and does not take in to consideration outgoings such as rates, water, power, phonelines, bar stock etc. The issue of missing accounts was raised in 2017 during the last review.**
- The minutes from the last 3 Annual General Meetings. **Information included in the previous review hearing paperwork makes reference to an AGM taking place on 11/06/17 when 10 Committee members were voted in. It is expected that the club should have been able to provide minutes for an AGM in June 2018 and June 2019. These have not been provided. There is therefore no evidence to date to prove that the current committee were voted in by the members of the club.**
- The names of all Committee Members their roles, and date of election. **The names and roles have been provided but no evidence to show when each was elected. This should have taken place during the AGM. The Licensing Authority would also like evidence to see when each member of the committee became a member of the club. (Appendix F)**

- Copies of Committee Meeting Minutes for the last 18 months. **These have not been provided.**
- A copy of the club constitution. **This has not been provided. It may be that there is just a rule book and no club constitution.**
- A copy of the up-to-date club rules. **The rule book that was provided is dated 1990. During the previous review the rule book had to be updated to include conditions about membership restrictions and the purchase and supply of alcohol. As a result of that review the Licensing Authority was provided with a new updated version of the rules dated 27/08/17. The Licensing Authority is unsure why the 1990 rule book has been provided now and which is currently being used by the club. (Appendix G)**
- Details of any restrictions on the clubs freedom to purchase alcohol, who makes commercial decision on behalf of the club and what the governance arrangements are. **This issue was raised during the previous review and is part of the reason why the 1990 rules needed to be updated.**

In the officer's letter it was mentioned that it has been alleged that part of the club is being sublet to a third party, possibly a charity. The officers asked for confirmation as to whether or not this is the case and if it is, to provide details of the third party including the registered charity number if there is one. The officer also asked for the minutes from the meeting when this activity was agreed to be provided, how this was communicated to the members, what the charges are and what happens to any income generated by the club from sub-letting part of the club. **During the meeting on 21st October 2019 reference was made to a charity called 'Sonny the Snail' but no formal response in relation to the charity details, minutes etc. as mentioned above have been received.**

02/12/19 – Email received from Lin Marsh. Unfortunately, the message had been written in the subject heading so only the following could be seen:

'Good day, Charlotte it's lin Marsh from ponders end small holder I have sent you all the information I have at this time also I have been onto the people of the charity we have on site for their on and are waiting on this I have also been on to the F...' **(Appendix H)**

An officer (CPX) sent Lin Marsh an email advising of the issue with the emailing and requesting it be resent. No response was received.

12/12/19 – A further email was sent to Lin Marsh asking for the email to be resent and also requesting the contact detail of the club's accountant. To date no response has been received.

16/12/19 – An officer (CPX) checked the FCA Mutual Public Register and could see no evidence of 2016, 2017, 2018 accounts or updated rules having been submitted.

16/12/19 – An officer (CPX) has checked the Charities Register and could find no reference to a charity called 'Sonny the Snail'. However a general internet search brought up results for 'Sonny the Snail Sensory Garden and Allotment' a Community Interest Company (CIC) - private company limited by guarantee without share capital – CIC No. 12342772. The company address details are those of the club. The company was incorporate on 02/12/19. Details of the company can be found attached as **Appendix I.**

16/12/19 – An Officer (CPX) emailed Property Services to see if the club has or needs permission to sublet part of the site to a third party.

Additional Information:

Club Rule 37(a) states

‘Every year not later than the date provided for the in 1965 Act the secretary shall send to the Registrar the annual return in the form prescribed by the Chief Registrar of Friendly Societies relating to it affairs for the period required by the 1965 Act to be included in the return together with:-

- i. a copy of each balance sheet made during that period.

The Society shall supply free of charge to every member on his/her application a copy of the last annual return of the society for the time being together with a copy of (the) balance sheet contained in the return.

The society shall keep a copy of the last balance sheet for the time being at the premises of the registered office.

The club is currently failing to comply with the it's own rules.

Conclusion:

The club has been asked to provide evidence to demonstrate that it meets the qualifying club criteria and that it is established and run in good faith and has failed to do so. Issues raised over two years ago have still not be resolved even after a previous review. The Licensing Authority has lost confidence in those running the club.

The Licensing Authotuty is of the opinion that the club has ceased to be a ‘quaifying club’ and that it is no loger being conducted in ‘good faith’.

The Licensing Authourity therefore has no choice but to recommned that the Club Premises Certificate be withdrawn under s.90 of the Licensing Act 2003. If withdrawn the Club Machine Permit (LN/201600496) will lapse meaning any assocaitte gaming machines shall have to be removed from the club.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	

Please tick yes

Have you made an application for review relating to this premises before

If yes please state the date of that application

Day Month Year
☐ _____

If you have made representations before relating to these premises please state what they were and when you made them

A review of the CPC was submitted on 23/06/17 and representations were submitted by the Licensing Authority.

Please tick yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐✓
- I understand that if I do not comply with the above requirements my application will be rejected ☐✓

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature: xxxxxxxx

Date: 17th December 2019

Capacity: Senior Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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LICENSING AUTHORITY ADDITIONAL INFORMATION

Name and address of premises: Ponders End Smallholders Association
82A Church Road
Enfield
EN3 4NU

Type of Application: Review – Club Premises Certificate

Detailed below is additional information not previously included in the review submitted on 17/12/2019:

An annual fee letter was sent to the club on 24th September 2019 advising that the annual fee payment had been due to be paid on 22nd June 2019. To date no evidence of the annual fee having been paid has been provided by the club and the licence is therefore currently suspended. A further annual fee letter was sent to Lin Marsh via email on 20th January 2020.

Duly Authorised: Charlotte Palmer, Senior Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed: CPalmer

Date: 20/01/2020

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WAF 217 021426

London Borough of Enfield

ENFIELD
Council

Residence
objection
(Bill Haydes)

Application for the Review of a Premises Licence or Club Premises Certificate under the
Licensing Act 2003

APP, A

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 Mr Bill Haydes

(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club
premises certificate under section 87 of the Licensing Act 2003 for the premises described in
Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Ponders End and District Smallholders Association, VAT Reg 221-2134-30 FCA Reg No. 7647 R Middlesex 82A Church Road,	
Post town	Post code (if known)
Enfield	EN3 4NU

Name of premises licence holder or club holding club premises certificate (if known)
Ponders End and District Smallholders Association (PEDSA)

Number of premises licence or club premises certificate (if known)
1 club premises certificate and 1 club machine permit

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an individual, body or business which is not a responsible
authority (please read guidance note 1, and complete (A)
or (B) below)

☐

2) a responsible authority (please complete (C) below)

☐

3) a member of the club to which this application relates
(please complete (A) below)

☒

LONDON BOROUGH OF ENFIELD RECEIVED
23 JUN 2017
ENVIRONMENT & STREET SCENE

Email

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Please tick ✓ yes

Mr ☒

Mrs ☐

Miss ☐

Ms ☐

Other title
(for example, Rev)

Surname

Haydes

First names

Bill

I am 18 years old or over

Please tick ✓ yes



**Current postal
address if
different from
premises
address**

[Redacted address]

Post town

ENFIELD

Post Code

[Redacted post code]

Daytime contact telephone number

[Redacted telephone number]

E-mail address

[Redacted email address]

(B) DETAILS OF OTHER APPLICANT

Name and address

[Redacted name and address]

Telephone number (if any)

E-mail address

[Redacted telephone number and email address]

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address London Borough of Enfield Licensing Civic Centre, Silver Street, Enfield, EN1 3XA
Telephone number (if any)
E-mail address

This application to review relates to the following licensing objective(s)

Please tick one or more boxes ✓

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | <input type="checkbox"/> |
| 3) the prevention of public nuisance | <input checked="" type="checkbox"/> |
| 4) the protection of children from harm | <input type="checkbox"/> |

Please state the ground(s) for review (please read guidance note 2)

1) the prevention of crime and disorder

According to the Insolvency Act of 1986, if a company has a problem with cash flow and the books are in arrears, UK law defines this as insolvent trading.

In addition, a company that simply cannot and will never be able to pay its creditors in a timely manner may well be guilty of wrongful trading.

Wrongful trading is a serious offence because the directors (the Management Committee) know their company is insolvent and have no plans of how they will pay their creditors. It is even worse if the directors (the Management Committee) allow the level of creditors to increase during this period.

See:

Appendix 01 - Comparison of Fin Statements from 2011 to 2016 with comments -

NOTE REF: FinStmnt001- The Bar has been operating at a loss for several years

Appendix 02 - FINANCIAL STATEMENT 31-12-15

Appendix 03 - Report on the 2015 Fin Statements

Appendix 04 - Emails relating to Report on the 2015 Fin Statements

Appendix 05 - FINANCIAL STATEMENT 31-12-14

Appendix 06 - FINANCIAL STATEMENT 31-12-13

Appendix 07 - FINANCIAL STATEMENT 31-12-12

Appendix 08 - FINANCIAL STATEMENT 31-12-11

Appendix 09 - matters of concern for agm 2015

Appendix 10 - Bill's matter of concern 2015 AGM

Appendix 11 - Petition to suspend PEDSA Club Premises Certificate

Therefore to prevent the continuation of this illegal activity this application is seeking to suspend the Club Premises Certificate.

2) the prevention of public nuisance

The former committee did not provide members at the 2015 AGM with true and fair financial information. Members of PEDSA therefore sought answers to Appendix 05 - matters of concern for agm 2015 and Appendix 06 - Bill's matter of concern 2015 AGM, which resulted in violent confrontations breaking out with the police having to be called.

Crime reference number; NFRC140800743143 August 2014, to action fraud.

11 August 2016 police attended.

17 December 2016, 4398/17Dec16 notice board on plots defaced with black paint.

31 December 2016: Notice board on plot 47 smashed and notices removed. Reported to police by telephone.5228016/16

01 January 2017. A member was assaulted trying to gain entry to the clubhouse, crime reference 5690CAD, reported at 12.33pm.

28 January 2017 Padlocks on noticeboard superglued CRIS 5202066/17

15 April 2017 CAD 30711504 A member verbally threatened by the assistant barman not to enter the clubhouse.

23 April 2017 CAD 2465/23/4/17. W. Binns, the chairman accompanied by members, attempted to read a letter to the Bar Steward, about his conduct to members, which he snatched away, he called the police, left the site. Police attended and the Bar Steward, Ms Marsh, accompanied by two associate Members entered the clubhouse.

The policeman advised members to stay away from the clubhouse as the Bar Steward was being derogatory about them, he also handed over a notice that was on the table of the clubhouse.(Re AGM of 23April 17 postponed).

Therefore to prevent the potential of continued public nuisance this application is seeking to suspend the Club Premises Certificate.

Please provide as much information as possible to support the application (please read guidance note 3)

See:

Appendix 01 - Comparison of Fin Statements from 2011 to 2016 with comments -
NOTE REF: FinStmnt001- The Bar has been operating at a loss for several years

Appendix 02 - FINANCIAL STATEMENT 31-12-15

Appendix 03 - Report on the 2015 Fin Statements

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Appendix 07 - FINANCIAL STATEMENT 31-12-12

Appendix 08 - FINANCIAL STATEMENT 31-12-11

Appendix 09 - matters of concern for agm 2015

Appendix 10 - Bill's matter of concern 2015 AGM

Appendix 11 - Petition to suspend PEDSA Club Premises Certificate

Crime References Available from Enfield Police:

Crime reference number; NFRC140800743143 August 2014, to action fraud.

11 August 2016 police attended.

17 December 2016, 4398/17Dec16 notice board on plots defaced with black paint.

31 December 2016: Notice board on plot 47 smashed and notices removed. Reported to police by telephone.5228016/16

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28 January 2017 Padlocks on noticeboard superglued CRIS 5202066/17

15 April 2017 CAD 30711504 A member verbally threatened by the assistant barman not to enter the clubhouse.

23 April 2017 CAD 2465/23/4/17. W. Binns, the chairman accompanied by members, attempted to read a letter to the Bar Steward, about his conduct to members, which he snatched away, he called the police, left the site. Police attended and the Bar Steward, Ms Marsh, accompanied by two associate Members entered the clubhouse.

The policeman advised members to stay away from the clubhouse as the Bar Steward was being derogatory about them, he also handed over a notice that was on the table of the clubhouse.(Re AGM of 23April 17 postponed).

Please tick ✓ yes

Have you made an application for review relating to the premises before

1

If yes please state the date of that application

Day Month Year

--	--	--	--	--	--	--	--

If you have made representations before relating to the premises please state what they were and when you made them

Please tick ✓

yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☒
- 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 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date

21st June 2017

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

E-mail address

Notes for Guidance

1. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

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**LONDON BOROUGH OF ENFIELD LICENSING AUTHORITY
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
DECISION NOTICE**

LICENSING SUB-COMMITTEE – 16 AUGUST 2017

Application was 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**.

The Licensing Sub-Committee **RESOLVED** that it considers that no change to the Club Premises Certificate was appropriate for the promotion of the licensing objectives.

Reasons:

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."

Date Notice Sent : 16 December 2019



Signed:

Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the North London Magistrates Court at the following address :

North London Magistrates Court
Highbury Corner, 51 Holloway Road, London, N7 8JA

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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 / Committees (mgListCommittees.aspx?bcr=1&_ga=2.161321405.1696484871.1576151624-1920830427.1558002085)
 / Committee details (<mgCommitteeDetails.aspx?ID=217>) / Meetings (<ielistmeetings.aspx?Act=earlier&CId=217&D=201710041000&MD=ielistmeetings>) / Agenda and minutes (<ielistDocuments.aspx?CId=217&Mid=12316&Ver=4>) / Agenda item

Agenda item

PONDER'S END SMALLHOLDERS ASSOCIATION, 82A CHURCH ROAD, ENFIELD, EN3 4NU (REPORT NO.48)

- Meeting of Licensing Sub-Committee, Wednesday, 16th August, 2017 10.00 am (Item 128.)
 (<ielistDocuments.aspx?CId=217&Mid=12316#A141243>)

Application for review of Club Premises Certificate.

Minutes:

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.
 - 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.
 - 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
- This was a complex case, it is not for this Committee to decide whether the club is making a profit or loss.
 - 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.
 - 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 -
- 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.
 - 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
- 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.
 - 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.
 - 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.
 - Confirmed that all other licences as required were held by the club.
 - 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;

- The club was in breach of its loan agreement with Greene King as it was obtaining goods from other suppliers.
- That an AGM was not being held annually by PEDSA
- Members of the club do not know if fines had been paid to the FCA and for how much
- 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;

- 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.
- 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

- 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.

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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.

Advisory Note

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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.

Supporting documents:

- **LSC report, item 128.** PDF 156 KB ([documents/s64465/LSC report.pdf](#))
- **Annex 1 Club premises certificate, item 128.** PDF 160 KB ([documents/s64466/Annex 1 Club premises certificate.pdf](#))
- **Annex 02 PEDSA Club Rules, item 128.** PDF 1 MB ([documents/s64467/Annex 02 PEDSA Club Rules.pdf](#))
- **Annex 3 Area Plan, item 128.** PDF 240 KB ([documents/s64468/Annex 3 Area Plan.pdf](#))
- **Annex 4a review application_Redacted, item 128.** PDF 460 KB ([documents/s64469/Annex 4a review application_Redacted.pdf](#))
- **Annex 4b Appendix 01, item 128.** PDF 290 KB ([documents/s64470/Annex 4b Appendix 01.pdf](#))
- **Annex 4c Appendix 02, item 128.** PDF 418 KB ([documents/s64471/Annex 4c Appendix 02.pdf](#))
- **Annex 4d Appendix 03, item 128.** PDF 330 KB ([documents/s64472/Annex 4d Appendix 03.pdf](#))
- **Annex 4e Appendix 04_Redacted, item 128.** PDF 279 KB ([documents/s64473/Annex 4e Appendix 04_Redacted.pdf](#))
- **Annex 4f Appendix 05, item 128.** PDF 552 KB ([documents/s64474/Annex 4f Appendix 05.pdf](#))
- **Annex 4g Appendix 06, item 128.** PDF 458 KB ([documents/s64475/Annex 4g Appendix 06.pdf](#))
- **Annex 4h Appendix 07, item 128.** PDF 472 KB ([documents/s64476/Annex 4h Appendix 07.pdf](#))

- Annex 4i Appendix 08, item 128. [PDF 472 KB \(documents/s64477/Annex 4i Appendix 08.pdf\)](#)
- Annex 4j Appendix 09, item 128. [PDF 68 KB \(documents/s64478/Annex 4j Appendix 09.pdf\)](#)
- Annex 4k Appendix 10_Redacted, item 128. [PDF 235 KB \(documents/s64479/Annex 4k Appendix 10_Redacted.pdf\)](#)
- Annex 4l Appendix 11, item 128. [PDF 608 KB \(documents/s64480/Annex 4l Appendix 11.pdf\)](#)
- Annex 5a ADDITIONAL INFORMATION BY APPLICANT_Redacted, item 128. [PDF 111 KB \(documents/s64481/Annex 5a ADDITIONAL INFORMATION BY APPLICANT_Redacted.pdf\)](#)
- Annex 5b IMG_18211 APRIL 2017 (002)_Redacted, item 128. [PDF 2 MB \(documents/s64482/Annex 5b IMG_18211 APRIL 2017 002_Redacted.pdf\)](#)
- Annex 5c FCA EMAIL TO SECRETARY CANCELLATION NOTICE, item 128. [PDF 89 KB \(documents/s64483/Annex 5c FCA EMAIL TO SECRETARY CANCELLATION NOTICE.pdf\)](#)
- Annex 5d FCA DOC 1 LETTER062_Redacted, item 128. [PDF 1 MB \(documents/s64484/Annex 5d FCA DOC 1 LETTER062_Redacted.pdf\)](#)
- Annex 5e FCA DOC 2 CANCELLATION NOTICE, item 128. [PDF 179 KB \(documents/s64485/Annex 5e FCA DOC 2 CANCELLATION NOTICE.pdf\)](#)
- Annex 5f MONIES OWING TO HMRC, item 128. [PDF 37 KB \(documents/s64486/Annex 5f MONIES OWING TO HMRC.pdf\)](#)
- Annex 5g GREENE KING LOAN DOC 1_Redacted, item 128. [PDF 375 KB \(documents/s64487/Annex 5g GREENE KING LOAN DOC 1_Redacted.pdf\)](#)
- Annex 6a Additional Information Covering Note from applicant, item 128. [PDF 175 KB \(documents/s64488/Annex 6a Additional Information Covering Note from applicant.pdf\)](#)
- Annex 6b Additional Information Appendices 12 to 33 by review applicant, item 128. [PDF 13 MB \(documents/s64489/Annex 6b Additional Information Appendices 12 to 33 by review applicant.pdf\)](#)
- Annex 6c Additional Information Appendices 12 to 33 by review applicant_Redacted, item 128. [PDF 20 MB \(documents/s64490/Annex 6c Additional Information Appendices 12 to 33 by review applicant_Redacted.pdf\)](#)
- Annex 7a Club Response to Review app (Linda Marsh) Part (1)_Redacted, item 128. [PDF 2 MB \(documents/s64491/Annex 7a Club Response to Review app Linda Marsh Part 1_Redacted.pdf\)](#)
- Annex 7b Club Response to Review app (Linda Marsh) Part (2)_Redacted final version, item 128. [PDF 7 MB \(documents/s64492/Annex 7b Club Response to Review app Linda Marsh Part 2_Redacted final version.pdf\)](#)
- Annex 7c Club Response to Review app (Linda Marsh) Part (3)_Redacted, item 128. [PDF 1 MB \(documents/s64493/Annex 7c Club Response to Review app Linda Marsh Part 3_Redacted.pdf\)](#)
- Annex 7d Reply to CPX from Club 31.07.17, item 128. [PDF 1 MB \(documents/s64494/Annex 7d Reply to CPX from Club 31.07.17.pdf\)](#)
- Annex 8a LA Rep, item 128. [PDF 204 KB \(documents/s64495/Annex 8a LA Rep.pdf\)](#)
- Annex 8b LA Rep Appendix 1 to 3_Redacted, item 128. [PDF 618 KB \(documents/s64496/Annex 8b LA Rep Appendix 1 to 3_Redacted.pdf\)](#)
- Annex 8c LA Rep Appendix 4 Redacted, item 128. [PDF 4 MB \(documents/s64497/Annex 8c LA Rep Appendix 4 Redacted.pdf\)](#)
- Annex 8d LA Rep APPENDIX 5, item 128. [PDF 237 KB \(documents/s64498/Annex 8d LA Rep APPENDIX 5.pdf\)](#)
- Annex 9a LA Additional Info 04.08.17, item 128. [PDF 65 KB \(documents/s64499/Annex 9a LA Additional Info 04.08.17.pdf\)](#)
- Annex 9b Reply to CPX from Club 31.07.17, item 128. [PDF 1 MB \(documents/s64500/Annex 9b Reply to CPX from Club 31.07.17.pdf\)](#)
- Annex 9c Appendix 7, item 128. [PDF 16 KB \(documents/s64501/Annex 9c Appendix 7.pdf\)](#)
- 1pendSupplementary Report, item 128. [PDF 8 KB \(documents/s64537/1pendSupplementary Report.pdf\)](#)
- 2pendAnnex 10 LA APPENDIX 8, item 128. [PDF 128 KB \(documents/s64538/2pendAnnex 10 LA APPENDIX 8.pdf\)](#)
- 3pendAnnex 11 would be LA Appendix 9, item 128. [PDF 182 KB \(documents/s64539/3pendAnnex 11 would be LA Appendix 9.pdf\)](#)

Related links

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Please reply to: Charlotte Palmer

Hand delivered during meeting

E-mail: Charlotte.palmer@enfield.gov.uk

Phone: 0208 379 3965

Textphone:

Fax:

My Ref: Wk/219021051

Your Ref:

Date: 21st October 2019

Dear Ms Marsh,

Ponders End Smallholders Association, 82A Church Road, Enfield, EN3 4NU
Licensing Act 2003 – Club Premises Certificate – LN/200600378

I write to you as the Secretary of the above named club.

In order to hold a Club Premises Certificate the CPC holder must be able to prove that they are a qualifying club under the Licensing Act 2003. Concerns have been brought to the attention of the Licensing Enforcement Team suggesting that this may no longer be the case.

In order to see whether or not the club is still a 'qualifying' club I request that you provide me with the following documents/information by Monday 4th November 2019.

- Details of the membership application process – including any restrictions relating to access to the premises, nomination of members etc.
- Evidence that the club has at least 25 members.
- Evidence that alcohol is not supplied, or intended to be supplied, to members on the premises otherwise than by or on behalf of the club.
- What is the nature of the club? (i.e. what is the common thread that links members – are they all allotment holders?)
- Evidence that alcohol is only purchased by a committee who are members, over 18 years old and elected to that committee – ie names and membership number, evidence they are over 18 years old, evidence showing when and how they were elected.

One of the conditions that must be satisfied in order to hold a Club Premises Certificate is that the club must be established and conducted in 'good faith'. I therefore request the following documents/information by Monday 4th November 2019.:

- The books of account and any other records kept to ensure the accuracy of the financial dealings of the club from 2016 to date.
- The minutes from the last 3 Annual General Meetings.

Sarah Cary
Executive Director Place
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY

www.enfield.gov.uk

(?) If you need this document in another language or format contact the service using the details above.

- The names of all Committee Members their roles, and date of election.
- Copies of Committee Meeting Minutes for the last 18 months.
- A copy of the club constitution.
- A copy of the up-to-date club rules.
- Details of any restrictions on the clubs freedom to purchase alcohol, who makes commercial decision on behalf of the club and what the governance arrangements are.

It has also been alleged that part of the club is being sublet to a third party, possibly a charity. Please confirm whether or not this is the case and if it is, please provide details of the third party including the registered charity number if there is one. Please also provide the minutes from the meeting when this activity was agreed by the committee, how this was communicated to the members, what the charges are and what happens to any income generated by the club from sub-letting part of the club.

Please provide the documents via email (charlotte.palmer@enfield.gov.uk), post or hand deliver them to the Licensing Team (postal address: Licensing Team, B Block North, Civic Centre, Silver Street, Enfield, EN1 3AE).

Should evidence demonstrate that the club has ceased to be a qualifying club the Licensing Authority shall have no choice but to recommend that the Club Premises Certificate be withdrawn under s.90 of the Licensing Act 2003. If you have one, the Club Machine Permit would lapse if a club premises certificate were no longer in place.

Should the club wish to surrender the Club Premises Certificate the Secretary must do this in writing. The club premises certificate must be returned with the surrender letter. If this is not possible then the reason must be given.

Please remember that the certificate does not authorise alcohol to be sold or entertainment or late-night refreshment to be provided to anybody who is not a member of (or a guest of a member of) the Club. The certificate does not allow the private hire of the Club by (or the admission of) non-members.

Should you wish to hire the club out to non-members then you should apply for a premises licence or Temporary Event Notice to cover such events.

When club rules do not specify the number of guests each member can sign into the club the Licensing Authority recommends this number be capped at 5 guests per member.

If you have any queries in relation to any of the issues mentioned in this letter please email me.

Yours sincerely,

Charlotte Palmer – Senior Licensing Enforcement Officer

Charlotte Palmer

From: [REDACTED]
Sent: 11 November 2019 16:17
To: Charlotte Palmer
Subject: Ref: Wk/219021051 - PEDSA
Attachments: Report 151-28102019-1415.pdf; BRANCH 581.pdf; Fireworks 9 Nov 19.docx; Unpaid Plot membership.docx; 80s party.docx; Members2.jpg; members4.jpg; members5.jpg; Halloween 2 Nov 2019.docx; Members.jpg; image (2).jpg; image (1).jpg; image (3).jpg

Dear Charlotte,

I am writing in response to the list of queries listed in your letter dated 21 October 2019.

1. Firstly, thank you for giving us the opportunity to explain ourselves as an association for the lack of correspondence previously. However, management has changed and the committee wants to resolve any issues that may have been pending.

In response to the membership application process; anyone wanting to join the association are given the following number 07986934514 in order to arrange a meeting with a member of the committee in regards to joining. Clubhouse members meets committee members, pay their fees of £30 for the year and receive their membership cards. Furthermore, allotments prospective member will also have to call the above mentioned number and arrange a meeting with the committee member present, following which, the will have a tour of the plots with said committee member then pay for their fees between £65 - £140 (Half/Full plots) if they as satisfied, the committee will assign a plot to the new member and a membership card.

Restriction to the allotments are between 08:00 - 18:00 (Winter) and 06:00 - 20:00 (summer), only visitors accompanied by members are admitted in the premises.

2. Find attached.

3. The clubhouse is the sole alcohol license holder.

4. PEDSA is a social and allotment club; whereby plot holders and club members are all invited to come into the club house to socialise with others. Members at the club are generational members; whereby near members are introduced through family members and friends. We organise events for families, i.e, Halloween parties, Christmas Parties, Autumn Show day, Help the Hereos, Remembrance Sunday, Christmas Bazaar, Christmas Pantomine (performed by committee members), Easter, Teddy Bear picnic, Firework night, New Years eve party, to name a few.

5. All drinks are purchased by Linda Marsh/Maria Sword. Find suppliers details attached. I am unable to attach an invoice for Edwards Drink, feel to contact Phil, our rep, 01525372290.

King Regards,

Linda Marsh

Ponders End & District Smallholders Association Limited

V.A.T. Registration 221-2134-30

Registered No. 7647 R Middlesex

Registered Office: Falcon Fields, Church Road, Enfield, EN3 4NX

**These are all the people that have not renewed their membership
with the association:-**

- [REDACTED] L. Albanese Plot 94 and 84 Deceased
- J. Allen Plot 125 Deceased
- L. Bradford Plot 471 Evicted
- P. Balmont Plot 45 Evicted
- V. Binns Plot 160
- S. Baffar Plot 251 and 252 not paid
- E. Boca Plot 269 not paid
- A. Bagvena Plot 9E not paid
- S. Binns Plot 93 not paid unsure if still alive
- W. Binns Plot 220 and 194 not paid
- C. Benjamin Plot 109 not paid
- H. Bancey Plot 144 not paid unsure if still alive
- A. Beckford Plot 115 not paid
- N. Boss Plot 137 not paid
- F. Bernard Plot 71 and 277w not paid
- A. Bradford Plot 113 not paid
- V. Bramble Plot 26w not paid
- T. Crockett Plot 68 Deceased
- F. Concordora Plot 210 and 211 Plot available
- C. Corbett Plot 324 Dismissal
- H. Collins Plot 223 Deceased
- D. Cade Plot 74 not paid
- C. Cherring Plot 73 not paid
- F. Corbin Plot 61 and 255 not paid

- D. Cherring Plot 5 and 59 not paid
- E. Durmaz Plot 215 not paid ..
- Y. Durmaz Plot 155 and 197 not paid
- B. Davies Plot 164e not paid
- L. Demir Plot 250 not paid
- L Foster Plot 18W Unpaid
- N Fitzgerald Plot 165W Unpaid
- C Hunter Plot 153 Unpaid
- W Haydes Unpaid
- C Harding Plot 305A Unpaid
- O Hurley Plot 192 Unpaid
- D Hurley Plot 193 Unpaid
- R Joseph Plot 202 and 27 Unpaid
- R Johnson Plot 379 Unpaid
- D Kade Unpaid plot
- T Kade Unpaid plot
- Lyn S Unpaid
- M Murtagh Plot 253 Unpaid
- G Hackissack Plot 185E Unpaid
- C Nevers Plot 127 Unpaid
- N Persad Plot 5N Unpaid
- K Rogers Plot 168W Unpaid
- G Richards Plot 166 Unpaid
- A Spagnoulo Plot 79 Unpaid
- J Singh Plot 54W unpaid
- E Sadik Plot 216 Unpaid
- S Saunders Plot 189W Unpaid
- A Spyrou Plot 17 Unpaid
- G Seeram Plot 97W + 141 Unpaid
- R Steward Plot 100 Unpaid
- D Stone Plot 280N Unpaid
- A Stephenson Plot 280N Unpaid
- C Taigi Plot 65 Unpaid
- J Tutti Plot 61, 62W, 116 Unpaid
- C Tomeo Plot 167 unpaid
- V Tomeo Plot 126 + 133 Unpaid
- S Trupia Plot 108,139, 133 unpaid

- H Ural Plot 201 Unpaid
- M Vassell Plot 128 + 134 Unpaid
- J Wiggins Plot 6N Unpaid
- D Whyte Plot 169 Unpaid
- C Wase Plot 164 Unpaid
- C Ward Plot 186 Unpaid
- L Whyte Plot 169 Unpaid
- J Williams Plot 148 - 150 Unpaid
- G Zambugo Plot 214 Unpaid
- Kaya Yesil Plot 6 Unpaid
- P Young Plot 163 Unpaid
- O Yavuz Plot 24 + 25 Unpaid
-

Expenses		Total		
to cash	\$16.00	all expenses	\$81.00	2
Rep. car	\$21.00	cash withdrawn	\$38.00	0
Cash card	\$1.00	Imp. car	\$7.00	0
Paid Adams	\$20.00	at car	\$10.00	0
Cash card	\$20.00	Totals	\$81.00	0
Total	\$100.00			0
Profit	\$100.00			0

CHRYSLER TRUCK

MS. 1000	13100
MS. 1001	13100

361.50

Jan. 1960

Jan 2019 -
Feb 2019

39

SUBS FOR BANKING
W/E 12TH 1ST 2019

ASSOCIATES

FLATS

A. MARTIN £81.00	S. HED £34.00
L. GUNDER £21.00	C. CRUICKSHANK £38.00
D. STANFORD £29.00	S. SANDS £39.00
I. NEWLAND £21.00	S. CHADWICK £36.00
B. KELLS £24.00	C. ANDERSON £69.00
J. LEIGHTON £21.00	M. CLARKE £37.00
C. HARDING £21.00	E. DENNY £34.00
	N. TENNANT £36.00
	A. VIERA £38.00
	G. HOBBS £21.50
	M. ANDERSON £36.00
	P. ANDERSON £34.00
	Y. GUNUS
	A. WELLS £21.00

TOTAL = £170.00

TOTAL = £523.50

OVERALL TOTALS

ASSOCIATES
FLATS

£170.00

£523.50

= £693.50

THANKS

40

STBS FOR BANKING
WSE 19th JUNE 2019

ASSOCIATES	PLOTS
R. GARDNER £24.00	F. JAMES £60.00
A. ATOMS £21.00	D. KEND £36.00
T. LINDSAY £21.00	L. SHAW £25.00
J. BARNES £25.00	A. KOPPINI £66.00
G. WITTE £25.00	E. BODA £44.00
A. BROWN £22.00	BULL £95.50
	A. LAHIA £34.00
	A. TENIZ £95.00
	T. DASH £31.00
	N. SPOONER £41.00
	M. VAUGH £21.00
	G. WITTE £31.00
TOTAL = £129.00	TOTAL £708.50
OVERALL TOTALS	
ASSOCIATES £129.00	Banked
PLOTS £708.50	
= £837.50	Trap

3-10-83 Pmt. Earning
 1/12 26" / 27" JAN 2017

ASSOCIATES	PLOTS	
D. NELSON £12.00	J. THEODORE £24.00	
G. CAMPBELL £24.00	V. GARDNER £39.00	10
K. HARRINGTON £21.00	D. KID £24.00	20
B. PARSONS £21.00	J. CHAMBER £49.50	50
C. WHITE £21.00	E. WILSON £34.00	10
	M. ROBERTS £24.00	10
	3rd PAGE £64.00	10
	D. KIRBY £35.00	0
	T. GARDNER £24.00	0
	C. KIRBY £39.00	10
	G. WILKS £45.00	0
	C. FISHER £120.00	10
	M. LOCHHEAD £64.00	10
	F. AMOS £35.00	0

= £89.00

= £699.50

+ £21.00

110.00

Associated

PLOTS

= £ 89.00 + 21.00

= £ 110.00

Handwritten signature

Banked
 1/30/21/17

= £ 787.50

21.00

£ 808.50

42

SUNS FOR BANKING
4/24/2019

ASSOCIATES

PLATS

M. DUBICKI	\$21.00
B. BELL	\$21.00
B. LEE	\$21.00
F. FACITTI	\$26.00
M. HANNA	\$26.00
M. GIBSON	\$21.00

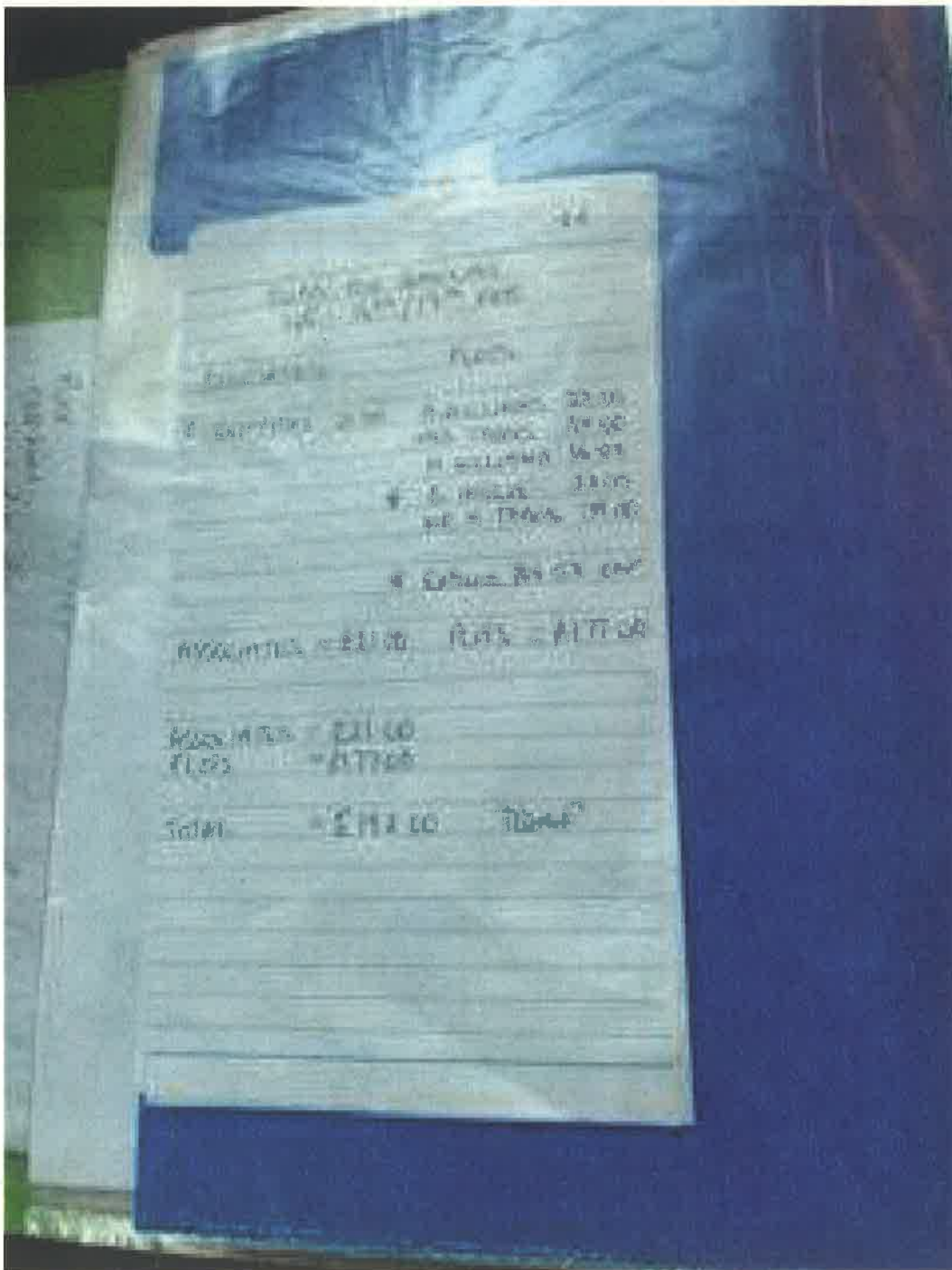
= \$136.00

Total

45

DATE	FOR	ENDING
DATE	DATE	DATE
ASSOCIATES	PLATS	
J. O'DONNELL	24.00	2,117,000 21.00
P. V. GUNDEL	24.00	
M. A. POWELL	24.00	
C. S. O'DONNELL	24.00	
TOTAL	= \$96.00	TOTAL = \$21.00
ASSOCIATES	PLATS	
TOTAL	\$121.00	

THREE



INVOICE NO 825548
INVOICE DATE 23 Oct 19
DELIVERY DATE 23 Oct 19
DELIVERY NO 631127
YOUR ORDER NO

INVOICE

HP
HILLSPROSPECT
 — LEADING DRINKS DISTRIBUTOR —
Tel: 01708 335050

Ponders End Smallholders Association
 82a Church Road
 Ponders End
 Enfield
 EN3 4NX

Ponders End Smallholders Association
 82a Church Road
 Ponders End
 Enfield
 EN3 4NX

(DELIVERY ADDRESS)

PROD CODE	DESCRIPTION	UOM	QTY	UNIT PRICE (£)	GOODS (£)	VAT
CHR17D03	ONE4ONE MERLOT 187ML	CASE24	1	32.16	32.16	1
AUW17D02	ONE4ONE CHARDONNAY (AUSTRALIAN) 187ML	CASE24	1	32.16	32.16	1
WASN0001	WALKERS READY SALTED CRISPS 32.5G *BOX 32*	BOX32	1	15.69	15.69	1
WASN0003	WALKERS CHEESE & ONION CRISPS 32.5G *BOX 32*	BOX32	1	15.69	15.69	1
WASN0007	WALKERS SALT & VINEGAR CRISPS 32.5G *BOX 32*	BOX32	1	15.69	15.69	1
WASN0002	WALKERS ROAST CHICKEN CRISPS 32.5G *BOX 32*	BOX32	1	15.69	15.69	1
WASN0005	WALKERS PRAWN COCKTAIL CRISPS 32.5G *BOX 32*	BOX32	1	15.69	15.69	1
SVSN0023	SUN VALLEY SALTED CASHEW NUTS CARD 30G	CARD12	1	12.79	12.79	1
SPR54003	BACARDI RUM CARTA BLANCA 1.5L	BOTTLE	1	34.99	34.99	1
SPR54002	CAPTAIN MORGAN DARK RUM 1.5L	BOTTLE	1	33.99	33.99	1
SPW54002	BELLS WHISKY 1.5L	BOTTLE	1	34.99	34.99	1
SPV54002	SMIRNOFF VODKA 1.5L	BOTTLE	1	32.59	32.59	1
DGSN0004	MS PORK SCRATCHINGS (12X45G) 45G	CARD12	1	8.75	8.75	3
HAI54001	HARTRIDGES LEMONADE 1.5L PET	CASE6	1	5.99	5.99	1
CCJ51006	SCHWEPPES SODA 1L PET	CASE6	1	8.99	8.99	1
BVJ20001	J2O ORANGE&PASSION 275ML NRB	CASE24	1	17.45	17.45	1
BVJ20007	J2O APPLE&RASPBERRY 275ML NRB	CASE24	1	17.45	17.45	1

Hills Prospect PLC
Faringdon Avenue
Romford
Essex
RM3 8SP

Bank: Barclays, Sort: 200280 AcNo: 10117544

Email: info@hillsprospect.com
 Website: www.hillsprospect.com
 VAT: GB 251 6152 84
 AWRS registration number XMAW 0000 0102 031

	GOODS	VAT	TOTAL
VAT 1 20.00%	342.00	68.40	410.40
VAT 3 0.00%	8.75	0.00	8.75
TOTAL	350.75	68.40	419.15

All transactions are subject to our general contract terms. E&OE.

makro

Makro is the trading name of Makro Self Service Wholesalers Limited
 Registered Office: Equity House, Millingborough Road, Wellesborough, Nutham, NN8 1LT
 Telephone: 01933 371000

Registered in England Number 373269. VAT Number GB 848 9115 81

Alcohol Wholesale Registration No - XTAW00000102869

BRANCH 581

ENFIELD (MAKRO)
 STOCKINGSWATER LANE
 ENFIELD
 MIDDLESEX

EN3 7XA TEL : 02084 436221
 FAX : 02084 436212

CUSTOMER 731465815 MRS L C MARSH
 PONDERS END SMALLHOLDERS
 82a CHURCH ROAD

ENFIELD
 EN3 4NU

MIDDLESEX
 TEL: 01986934514

CODE	DESCRIPTION	PACK SIZE	QTY	PRICE	VALUE	VAT	STD RRP	POR
282574	Coca Cola Can.	24 330ml	1	10.79	10.79	B	1.05	48.6%
282574	Coca Cola Can.	24 330ml	1	10.79	10.79	B	1.05	48.6%
282574	Coca Cola Can.	24 330ml	1	10.79	10.79	B	1.05	48.6%
116703	Britvic 100 Orange Juice	24 250ml	1	17.99	17.99	B		
146127	J20 Apple & Raspberry	12 275ml	1	7.49	7.49	B		
248485	HS Lemonade PM79	8 2ltr	1	3.49	3.49	B	0.79	33.7%
201629	Walkers Crisps Roast Chicken	32 32.5g	1	11.59	11.59	B	0.69	37.0%
243127	Walkers Prawn Cocktail PM65	32 32.5g	1	10.75	10.75	B	0.65	38.0%
534289	Smiths Scampi Fries Card	24 27g	1	7.49	7.49	B	0.76	50.7%
534289	Smiths Scampi Fries Card	24 27g	1	7.49	7.49	B	0.76	50.7%
184963	KP Salted Cashews Carded	12 30g	1	6.79	6.79	B	0.99	31.4%
184963	KP Salted Cashews Carded	12 30g	1	6.79	6.79	B	0.99	31.4%
320521	Nobbys Nuts Salted Card	24 50g	1	8.49	8.49	B	0.87	51.2%
202197	Mr Porky Hand Ckd Scratching	12 45g	1	9.29	9.29	A	1.29	40.0%

RETAIL GROCERY SUB-TOTAL : ITEMS 14 GOODS : 130.02 EXC.VAT

214033 Fairy ADW DWash Tabs Orig 1 100s 1 15.99 M 15.99 B
 214033 Fairy ADW DWash Tabs Orig 1 100s 1 15.99 M 15.99 B
 BUY 1 GET 1 FREE 15.99

CATERING GROCERY SUB-TOTAL : ITEMS 2 GOODS : 15.99 EXC.VAT

226118 Martell VS Cognac 1 1.5ltr 1 41.49 41.49 B
 238673 Budweiser PMP649 4 6x300ml 1 17.99 17.99 B 6.49 16.8%
 240562 Old Mout Berry&Cherry 0%ABV 12 500ml 1 9.99 9.99 B 1.49 33.0%

WINES SPIRITS BEERS SUB-TOTAL : ITEMS 3 GOODS : 69.47 EXC.VAT

234429 CP Flat Toilet Tissue 2ply W 1 Sgl 1 16.99 16.99 B

NON-FOOD SUB-TOTAL : ITEMS 1 GOODS : 16.99 EXC.VAT

*** MULTIBUYS SAVED YOU ***

15.99

TOTAL ITEMS: 20

RATE	GOODS	MULT	NETT	VAT	TOTALS: GOODS		
A: 0.00	9.29	0.00	9.29	0.00	232.47	:CASH	360.00
B: 20.00	239.17	15.99	223.18	44.64	44.64	:CREDIT	0.00

INVOICE TOTAL	277.11	:CHQ B	0.00
OUTSTANDING	0.00	:CHQ P	0.00
WAITING TO PAY	81.78	:C/CARD	0.00
		:D/CARD	0.00
		:T/COUP	0.00
GRAND TOTAL	358.89	:R/COUP	0.00

:CHANGE : 1.11



Get ready for a super scary

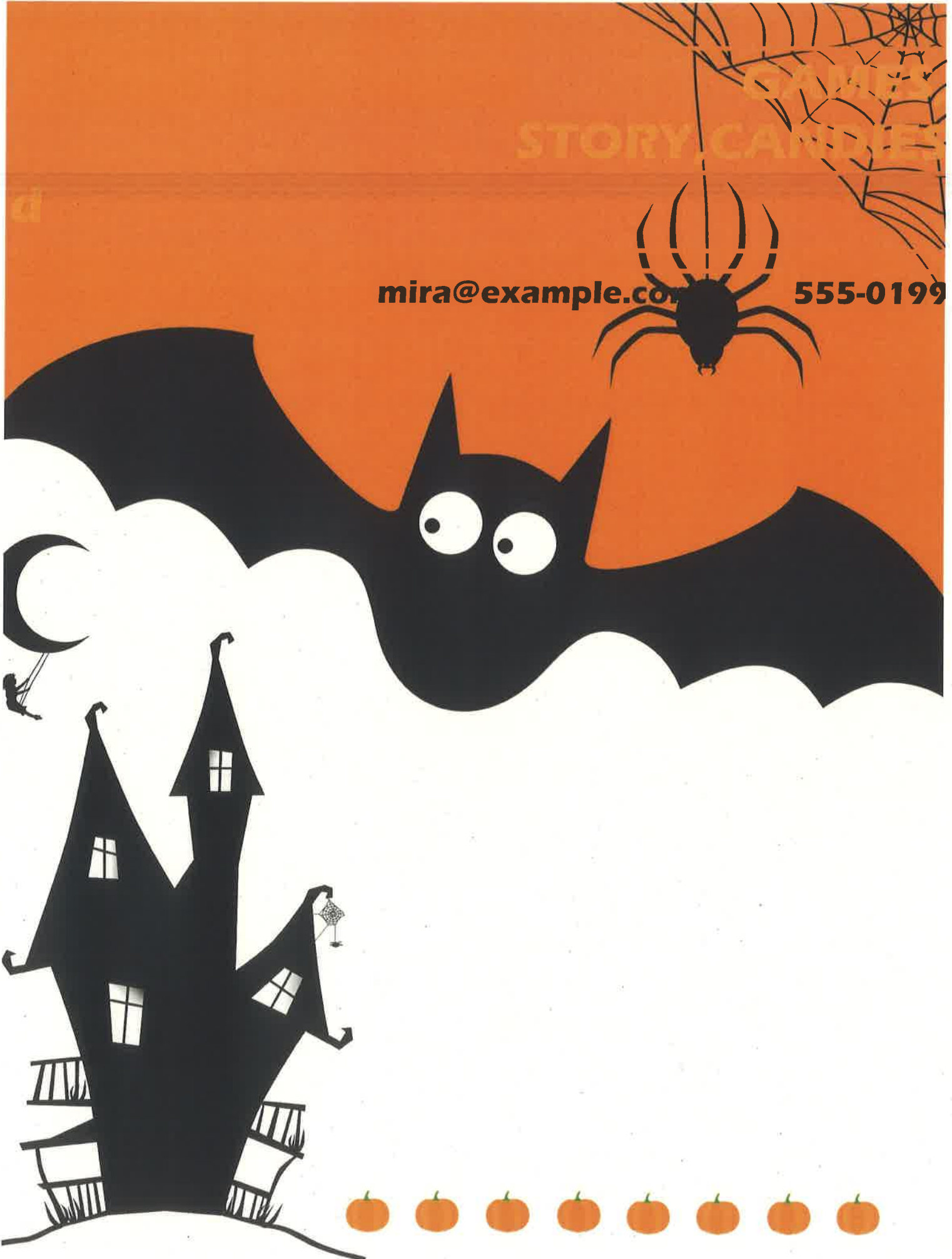
HALLOWEEN

NOVEMBER 2nd , 5-7PM

CABBAGE PATCH SCAREFEST

**BEST DRESSED WINS
A PRIZE (KIDS ONLY)**





THE PATCH
PRESENTS

LET'S CELEBRATE

The 80's **PARTY**



SAT 30 NOV 2019 – 6PM ONWARDS

80'S | DRINKS | GOOD COMPANY



Mr. Marvel the Magician
7:30 start

JOIN US FOR OUR

GUY FAWKES' CELEBRATION

FIREWORKS

Hot Dogs will be sold

9th Nov 6:30 PM

(free Hot Dog for
children)

Charlotte Palmer

From: [REDACTED]
Sent: 11 November 2019 19:16
To: Charlotte Palmer
Subject: PEDSA

Dear Charlotte,

Find below the committee members names and positions.

Linda Marsh - Secretary
Maria Swords - Assistant secretary
Tina Kemp - Entertainment
Ricky Kemp - Chairman
Brenda Lennon - Bar and Finance
Jenny Page - Trading hut
Fabian James - Ground Stewart
Vicky Ginder - Entertainment

Kind Regards,

Linda Marsh

Sent from Sky Yahoo Mail for iPhone

APP.G

Ponders End & District
Smallholders
Association Ltd.

RULE BOOK

Affiliated to L.A.R.G.S.I

Reg. No. 7647 R Middx.

"All previous Rules rescinded"

11 May 1945

RULES OF THE

PONDENS END AND DISTRICT

SMALL HOLDERS ASSOCIATION LIMITED

I. NAME, OBJECTS, ETC.

1. Name - The name of the Society shall be THE PONDENS END AND DISTRICT SMALL HOLDERS ASSOCIATION, LIMITED.

2. Registered Office - The Registered Office of the Society shall be at Falcon Fields, Church Road, Pondens End in the London Borough of Enfield, Middlesex. EN3 4NY.

3. Removal of Office - In the event of any change in the situation of the registered office, notice of such change shall be sent within 14 days thereafter to the Registrar in manner and form prescribed by the Treasury Regulation.

4. Objects - The objects of the Society shall be:-

(1) To carry on the business of creating or promoting the creation of small holdings or allotments, and encouraging their proper cultivation, with power to acquire land from local authorities acting under the provisions of any Act for the time being in force relating to small holdings or allotments, or from any other person or body; to adapt any land so acquired for small holdings or allotments, to acquire or erect dwelling houses or other buildings, or to execute any other improvements, and to let the land, houses and buildings to members of the Society.

(2) To carry on the business of wholesale and retail dealers in horticultural and agricultural requirements, dairy, farm and garden produce, eggs and poultry; and any other class of goods the Committee may direct; and any other trades, industries or

IV. PROFITS

11(a). Division of Profits - The payment of five per cent interest on the paid-up share capital shall be the first charge on the net profits arising from the general business of the Society under Rule 4, Sub-section (2), including the interest paid to the general account of the Society under Rule 11a, Sub-section (3). The balance of such net profits shall be allocated as follows:-

- (1) At least one half to the Reserve Fund until the said fund equals the share capital, and afterwards such proportion as the Annual Meeting shall decide.
- (2) Not less than five per cent to the workers employed by the Society at the time division takes place as a bonus proportionate to the wages earned by them respectively during the period to which the division relates.
- (3) The remainder shall be divided amongst the members as the members shall determine at a General Meeting.

IVA. SMALL HOLDINGS AND ALLOTMENTS SEPARATE ACCOUNT

11b. Small holdings and Allotments Separate Account - A separate account shall be kept by the Society of all income and expenditure of the Society under Rule 4, Sub-section (1). The income shall be applicable as the Committee may determine for the following purposes and for no other purpose whether during the existence of the Society or on dissolution:-

- (1) For payment of the expenses of managing land, houses and buildings acquired or erected under the said Rule including payment of rent, rates, taxes and other like outgoings.
- (2) For payment of expenses of repairs or improvements from time to time made by the Society on such land, houses and buildings.
- (3) For payment to the general account of the Society of interest at the rate of five per cent per annum or 1% above the Barclay's Bank Base Lending Rate on all capital expenditure by the Society on the acquisition or adaptation of such land, houses and buildings.
- (4) For recouping capital expenditure by the Society on improvement or adaptation of the land, houses and buildings within such period as is reasonable having regard to the probable duration of the improvement or work of adaptation.
- (5) For forming a Special Reserve Fund not exceeding one year's annual value of the land, houses and buildings, and so that such reserve fund shall be available for any purpose authorized by this Rule but for no other purpose.

businesses which may seem calculated to conduce to the more profitable working of small holdings or allotments.

5. Powers - The Society shall have full power to do all things necessary or expedient for the accomplishment of its objects, including the power to deal in any way with land or buildings.

II. SHARES

6. Shares - Shares shall be transferable, but not withdrawable. They shall be of the nominal value of £1, of which 5p shall be payable on application, and the remainder in such calls as the Committee may direct.

7. Calls - Except for the purpose of making good any deficit in the rent or other charges payable by the Society in respect of land held by it, no call shall exceed 15p per share. At least three months must elapse between two consecutive calls, and at least two weeks' notice shall be given of the payment of any call.

III. MEMBERSHIP

8. Members - The Society shall consist of the persons by whom the application for registration is signed and such other persons, societies or companies, as the Committee may admit.

9. (i) Shares to be held by Members - Individual members shall hold not more than one share.

(ii) Cessation of Membership - A member shall cease to be a member in the following eventualities:

- (a) the member's death; or
- (b) the member's resignation; or
- (c) the expulsion of the member under Rule 10; or
- (d) where the member has been required to pay an annual subscription the non payment thereof for the period for 3 months after it has become due and notice duly given

(iii) Members may be required to pay an annual subscription not exceeding £10 as may be determined by members at a General Meeting.

10. Expulsion of Members - A Special General Meeting, may, by a two-thirds majority expel any member upon a charge of conduct detrimental to the Society, provided the charge has been communicated to the member at least one calendar month prior to the date of the meeting. On expulsion a member shall forthwith transfer his shares to a person nominated or approved by the Committee on payment to such member of the value of his shares, but not more in any case than the amount paid up on such shares.

(6) For prizes for the encouragement of the proper cultivation of the land; and

(7) For the benefit of the tenants generally in such manner as the Committee may determine.

Nothing in this rule shall be deemed to prohibit an arrangement between the Society and a tenant for the repayment of rebate of part of the rent payable by him to the Society.

Nothing in this rule shall prejudice or affect any right or remedy of any creditor of the Society.

V. LOANS AND INVESTMENTS

12. Loans - Deposits shall not be taken either from members or non-members. The Committee may obtain loans on such security and such terms of repayment as they may think fit, provided that the amount shall not exceed twice the then issued capital of the Society, and that the rate of interest shall not exceed five per cent. or (if the Barclays lending bank base rate is more than four per cent) one per cent above the Barclays Bank Plc base lending rate. Subject to the same condition as to the rate of interest, a General Meeting may authorise the Committee to obtain loans to a further amount, provided that the total amount of the loans shall not exceed five times the issued share capital.

13. Investments - The Committee may invest any funds of the Society in any security authorised by the Section 31 of Industrial & Provident Societies Act 1965.

VI. TRANSFERS

14. Committee's consent to Transfers - No transfer of shares shall be valid unless the Committee's consent has been obtained thereto, and the transfer is made in the form provided in Rule 16. A non-member to whom the shares are transferred with the Committee's consent shall thereby become a member of the Society, provided he holds a sufficient number of shares to qualify for membership in accordance with Rule 9.

15. Share Register - A share register shall be kept in which shall be recorded the name of the person to whom each share was originally allotted and the date of allotment; if the share is transferred, the name of the person to whom it is transferred and the date of transfer; and of the share if cancelled, date of cancelling.

16. Form of Transfer - Every Transfer of shares shall be in the following form, or as near thereto as is practicable:-

This instrument, made the.....day of.....
19..... between A, of....., and B, of.....

Witnesses, that in consideration of the sum of £..... paid by the said B to me, I the said A, hereby transfer to the said B, his executors, and assigns, the..... shares numbered..... now standing in my name in the books of the above-named society, to hold the said shares upon the same conditions on which I now hold the same; and that I, the said B, hereby accept the said shares, subject to the said conditions. In witness whereof we have hereto set our hands.

.....Signature of Transferor
.....Signature of Transferee

17. Fee on Transfers - A fee of 11 shall be paid to the Society on every transfer of shares.

VII. REPAYMENT OF SHARES

18. Repayment by Request - The Committee may, on the application of a member, in case of distress, removal from the district or for other good reason, repay to him a sum not exceeding the amount paid up and cancel the share.

VIII. GENERAL MEETINGS

19. Ordinary General Meetings - The Annual General Meetings, at which the audited accounts shall be submitted and the officers for the ensuing year elected, and other Ordinary General Meetings shall be held at such times as the Committee or a General Meeting shall determine.

20. Special General Meetings - Special General Meetings may be held at such times as the Committee or a General Meeting may determine, and shall be held upon the requisition in writing of at least five members.

21. Notice of General Meetings - At least seven days notice shall be given of every General Meeting.

22. Voting at General Meetings - At General Meetings each member shall have one vote. Members who are not tenants shall not have the right to vote on questions affecting tenant members only.

23. Quorum at General Meeting - Unless otherwise determined by a previous General Meeting, a quorum at General Meetings shall consist of five members.

24. Committee of Management - The business of the Society shall be conducted by a Committee of Management, which shall be elected at the Annual General Meeting. The General Meeting shall determine the number of members of which the Committee shall consist. The qualifications of Committee men, their order of retirement and eligibility for re-election and how casual vacancies in the Committee shall be filled. There shall be a minimum of five and a maximum of ten committee men who shall have been members of the Society for not less than two years and who shall retire and can offer themselves for re-election at each Annual General Meeting. To fill the vacancies the Committee shall nominate a sufficient number of members of the Club and a list of the names of those who retire as well as of those who are proposed to supply their places

XII. USE OF NAME

35. Use of Name - The registered name of the Society shall be kept painted or affixed on the outside of every office or place in which the business of the Society is carried on, in a conspicuous position in letters easily legible, and shall be engraved in legible characters on its seal, and shall be mentioned in legible characters in all notices, advertisements, and other official publications of the Society, and in all bills of exchange, promissory notes, endorsements, cheques, and orders for money or goods, purporting to be signed by or on behalf of the Society, and in all bills of parcels invoices, receipts, and letters of credit of the Society.

XIII. AUDIT

36. a. There shall be appointed in each year of account a qualified auditor to audit the Society's accounts and balance sheet for that year. In this rule "qualified auditor" means a person who is a qualified auditor under Section 7 of the Friendly and Industrial and Provident Societies Act, 1968.

b. None of the following persons shall be appointed as auditor of the society:

- i. an officer or servant of the society;
- ii. a person who is a partner of or in the employment of or who employs an officer or servant of the society; or
- iii. a body corporate.

c. Save as provided in paragraph (d) of this rule every appointment of an auditor shall be made by resolution of a general meeting of the society.

d. The directors may appoint an auditor to fill any casual vacancy occurring between general meetings of the society.

e. An Auditor appointed to audit the accounts and balance sheet of the society for the preceding year of account (whether by a general meeting or by the directors) shall be re-appointed as auditor of the society for the current year of account (whether or not any resolution expressly reappointing him has been passed) unless

- i. a resolution has been passed at a General Meeting of the society appointing somebody instead of him or providing expressly that he shall not be reappointed or
- ii. he has given to the society notice in writing of his unwillingness to be reappointed or
- iii. he is not a qualified auditor or is a person mentioned in paragraph (b) of this rule or

shall be posted in the Club House seven days before such meeting. Any two members may propose any other candidate or candidates by notice in writing to the Secretary seven days at least before the meeting and the Secretary shall forthwith post the same. Every member of the club shall be entitled to vote for as many candidates as there are vacancies to be filled and no more. The candidates up to the number of vacancies who shall receive most votes shall be declared elected and in the case of two or more candidates receiving an equal number of votes there shall be a second election for the vacant position with just the two candidates standing.

25. Quorum at Committee Meetings - Unless otherwise determined by a General Meeting, a quorum at Committee Meetings shall consist of three members.

26. Committee of Management of Club House - The business and management of the Club House shall be conducted by a Committee of Management subject to the provisions relating to election and otherwise as are contained in the previous sub-paragraph 24 hereof. A duly elected Committee of Management of the Club House shall have power to introduce and enforce any bye-laws relating to the Club House provided that such bye-laws are displayed in a prominent position in the Club House.

27. Special Meetings of the Committee - A Special Meeting of the Committee shall be held on the requisition in writing of at least three Committeemen.

28. Committeemen becoming Surety - Should any member of the Committee, with the consent of the Committee, become surety for any debt or liability incurred on behalf of the Society, he shall not be removed from office without his consent until such liability has ceased.

X. OFFICERS

29. Chairman - The Chairman shall be elected by the Annual General Meeting and shall hold office for one year, but shall be eligible for re-election.

30. Auditors - An Auditor, who is a qualified Auditor under Section 7 of the Friendly and Industrial and Provident Societies Act, 1968, shall be appointed each year by the Annual General Meeting.

31. Other Officers - The Committee shall appoint and may remove a Secretary and such other officers as they may deem necessary and shall determine their respective duties and remuneration.

32. Security of Officers - Every officer having charge of any of the moneys of the Society shall, before entering on his duties, give such security as the Committee shall deem sufficient.

XI. THE SEAL

33. Use of the Seal - The Seal of the Society shall be a steel engraving one, and shall not be affixed to any document without the express authorisation of the Committee, and the affixing of the seal shall be attested by the signatures of two committeemen and the Secretary.

34. Custody of the Seal - The Seal shall be kept in the custody of the Secretary, or such other officer as the Committee shall direct.

- iv. he has ceased to act as auditor of the society by reason of incapacity.

Provided that a retiring auditor shall not be automatically reappointed if notice of an intended resolution to appoint another person in his place has been given in accordance with paragraph (f) of this rule and the resolution cannot be proceeded with because that other person is not a qualified auditor or is a person mentioned in paragraph (b) of this rule.

- f. A resolution at a General Meeting of the Society appointing another person as auditor in place of a retiring auditor or

- ii. providing expressly that a retiring auditor shall not be reappointed shall not be effective unless notice of the intention to move it has been given to the society not less than 28 days before the meeting at which it is to be moved. On receipt by the society of notice of such an intended resolution at the same time and in the same manner as it gives notice in accordance with these rules of the meeting at which the resolution is to be moved or, if that is not practicable, by advertisement not less than 14 days before the said meeting in a newspaper circulating in the area in which the society conducts business. Where the retiring auditor makes any representations in writing to the society with respect to the intended resolution or notifies the society that he intends to make such representations the society shall notify the members accordingly as required by Section 6 of the Friendly and Industrial and Provident Societies Act, 1968.

The auditor shall in accordance with Section 9 of the Friendly and Industrial and Provident Societies Act, 1968, make a report to the society on the accounts examined by him and on the revenue account or accounts and the balance sheet of the society for the year of account in respect of which he is appointed.

XIV. ANNUAL RETURNS AND BALANCE SHEET

37. (a) Every year not later than the date provided for in the 1965 Act the secretary shall send to the Registrar the annual return in the form prescribed by the Chief Registrar of Friendly Societies relating to its affairs for the period required by the 1965 Act to be included in the return together with:-

1. a copy of the report of the auditor on the Society's accounts for the period included in the return, and
- ii. a copy of each balance sheet made during that

period and of the report of the auditor on that balance sheet.

The Society shall supply free of charge to every member or person interested in the funds of the Society on his application a copy of the last annual return of the society for the time being together with a copy of (the) report of the auditor on the accounts and balance sheet contained in the return.

The Society shall keep a copy of the last balance sheet for the time being together with the report made thereon by the auditor always hung up in a conspicuous place at the registered office.

XV. PROCEEDINGS ON DEATH OF A MEMBER

38. Upon a claim being made by the personal representative of a deceased member or the trustee in bankruptcy of a bankrupt member or any property in the Association belonging to the deceased or bankrupt member the Association shall transfer or pay such property to which the personal representative or trustee in bankruptcy has become entitled as the personal representative or trustee in bankruptcy may direct.

XVI. NOMINATIONS

39. (a) A member may in accordance with the Act nominate any person or persons to whom any of his property in the Association at the time of his death shall be transferred but such nomination shall only be valid to the extent of the amount for the time being provided in the Act.

- (b) On receiving satisfactory proof of death of a member who has made a nomination the Committee shall, in accordance with the Act, either transfer or pay the full value of the property comprised in the nomination to the person entitled thereunder.

40. Inspection of Books - Any ten members of the Society each of whom has been a member of the Society for not less than twelve months immediately preceding the date of the application, may apply to the Registrar in the form prescribed by the Treasury Regulations to appoint an actuary or accountant to inspect the books of the Society and to report thereon pursuant to Section 47 of the Industrial and Provident Societies Act, 1965.

41. Inspection of Affairs - It shall be the right of one-tenth of the whole number of members, or if the number of members shall at any time exceed 1000, it shall be the right of 100 members, by an application in writing to the Chief Registrar, signed by them in the forms respectively prescribed by the Treasury Regulations:-

- (a) To apply for the appointment of an inspector or inspectors to examine into the affairs of the Society and to report thereon.
- (b) To apply for the calling of a special meeting of the Society.

XVIII. ARBITRATION

42. Arbitration - In case any dispute arises between the Society of any of its officers and any member or persons claiming on account of a member or under the rules, or, in case of any complaint against any member, application may be made to the Committee for redress, and should the Committee not bring the parties to agreement, the matter in dispute shall be submitted to the arbitration of three persons, one appointed by each of the parties concerned, and the third by the Governors of the Federation of Agricultural Co-operatives. The award of the Arbitrators shall be final, and the costs of such arbitration shall be borne by the disputing parties in such proportion as the arbitrators may determine. In this rule the word "members" includes any person aggrieved who has for not more than six months ceased to be a member.

XIX. DISSOLUTION OF THE SOCIETY

43. Dissolution of the Society - The Society may at any time be dissolved by the consent of three-fourths of the members, present or by proxy, testified by the Treasury Regulations, or by winding up in manner provided by the Industrial And Provident Societies Acts.

XX. COPIES OF RULES

44. Copies of Rules - It shall be the duty of the Committee of Management to provide the secretary with a sufficient number of copies of the rules, to enable him to deliver to any person on demand a copy of such rules on payment of a sum not exceeding ten pence and of the secretary to deliver such copies accordingly.

XXI. AMENDMENT OF RULES

45. Mode of amending Rules - The rules may be amended by resolution of a three-fourths majority of the members present or by proxy at a Special General Meeting. No amendment of rules is valid until registered.

T. B. S.
 B. B. S.
 D. B. S.

D. B. S.
 Secretary

Form H

INDUSTRIAL AND PROVIDENT SOCIETIES ACT 1965

Acknowledgment of Registration of Amendment of Rules

Register No. 3647 R

The amendment of the rules of the Posters End and District
Small Holders Association

to which this acknowledgment is attached, is this day registered
under the Industrial and Provident Societies Act 1965

15-17 GREAT MARLBOROUGH STREET
LONDON
W1V 2AX

Date 28 February 1990

[Signature]

Copy to:

Registered in the Companies Register

Charlotte Palmer

From: [REDACTED]
Sent: 02 December 2019 13:12
To: Charlotte Palmer
Subject: Good day, Charlotte it's lin Marsh from ponders end small holder I have sent you all the information I have at this time also I have been onto the people of the charity we have on site for their on and are waiting on this I have also been on to the F...

Sent from my iPhone

Companies House

APP # I.

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#compInfo>)

SONNY THE SNAIL SENSORY GARDEN CIC

Company number **12342772**

Registered office address

82a Church Road, Enfield, Middlesex, EN3 4NX

Company status

Active

Company type

Private company limited by guarantee without share capital

Community Interest Company (CIC)

Incorporated on

2 December 2019

Accounts

First accounts made up to **31 December 2020**
due by **2 September 2021**

Confirmation statement

First statement date **1 December 2020**
due by **15 December 2020**

Nature of business (SIC)

- 88990 - Other social work activities without accommodation not elsewhere classified

Tell us what you think of this service(link opens a new window) (<https://www.research.net/r/S78XJMV>) Is there anything wrong with this page?(link opens a new window) (<https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/12342772>)

Companies House

Companies House does not verify the accuracy of the information filed
(<http://resources.companieshouse.gov.uk/serviceInformation.shtml#complInfo>)

SONNY THE SNAIL SENSORY GARDEN CIC

Company number **12342772**

- [Officers](#)
- [Persons with significant control \(https://beta.companieshouse.gov.uk/company/12342772/persons-with-significant-control\)](https://beta.companieshouse.gov.uk/company/12342772/persons-with-significant-control)

Filter officers



Current officers

[Apply filter](#)

2 officers / 0 resignations

PAYNE, Karitia

Correspondence address **82a, Church Road, Enfield, Middlesex, England, EN3 4NX**

Role Active **Director**

Date of birth **January 1977**

Appointed on **2 December 2019**

Nationality **British**

Country of residence **England**

Occupation **None**

WEILAND, Caroline

Correspondence address **82a, Church Road, Enfield, Middlesex, England, EN3 4NX**

Role Active **Director**

Date of birth **July 1962**

Appointed on **2 December 2019**

Nationality **British**

Country of residence **England**

Occupation **None**

[Tell us what you think of this service\(link opens a new window\) \(https://www.research.net/r/S78XJMV\)](#) [Is there anything wrong with this page?\(link opens a new window\) \(https://beta.companieshouse.gov.uk/help/feedback?sourceurl=https://beta.companieshouse.gov.uk/company/12342772/officers\)](#)

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Annex 4

IP1 Representation

Dear Sir/Madam,

I am writing with regards to the upcoming Licensing hearing ("Club Premises Certificate Review Application") for Ponders End and District Smallholders Association ("PEDSA"), and following on from my previous correspondence with Charlotte Palmer (cc'd).

On 20th August 2019 Ms Palmer contacted me to ask for an update re. events at PEDSA - I had previously attended the Licensing Hearing in 2017; and was asked by Ms Lin Marsh (PEDSA Secretary) to speak on PEDSA's behalf at that hearing. Upon receipt of Ms Palmer's email on 20th August 2019 I felt that I should bring to her attention numerous incidents that had since occurred at PEDSA - I feel that these might also be relevant for the upcoming hearing as to whether the Association should retain its license. I have listed these below; but in summary, the events and incidents that have been brought to my attention by current and former PEDSA members now also lead me to the opinion that it is no longer operating in accordance with its licensing commitments; or infact even in accordance with its own rulebook.

Firstly I should make clear that a family member of mine previously worked at PEDSA. He was told (by Ms Marsh, and her son Mr Ricky Kemp) that he was being made redundant - along with another employee - and that friends of Mr Kemp would be taking on their roles. Employment tribunal proceedings are currently in place for one of these employees. The other was mysteriously given her job back when she asked Ms Marsh for the redundancy settlement that she was entitled to under the terms of her contract. These employment issues are however not my only reason for writing (despite the fact that the salaries/'perks' being paid to Mr Kemp's friends have never been disclosed to the PEDSA members (more on this later)).

Since Mr Kemp's friends have taken over working at the Clubhouse, there have been numerous complaints from the members. As mentioned above, Mr Kemp's friends are apparently working on a voluntary basis; however, the members feel that these people are actually 'paying' themselves (and their friends/families/visitors) in free drinks (it also cannot be checked whether they are also infact receiving a financial salary, as PEDSA is still not producing financial accounts (more on this later too)).

One incident brought to my attention was when a birthday party was being held in the clubhouse. One of Mr Kemp's friends was working behind the bar, and put through a round of drinks for her family. In front of a bar full of customers, she then laughed as she called Mr Kemp over to the bar to ask him how to void the transaction; as she did not intend to pay for the drinks, seeing as though she was working as a "favour". This I believe sums up the way that PEDSA is now operating - it is as a private club for the sole benefit of the friends and family of Ms Marsh and

Mr Kemp - the PEDSA members feel that their custom is actually now subsidising this 'free drinks' culture.

Another reported incident occurred when two individuals (who had never been seen before [or since] by the members) walked into the Clubhouse from the street, walked straight behind the bar, and started to take money from the till. They were challenged immediately by the members on this. At this point apparently, Mr Kemp ran into the club to escort them out of the premises; with the money in their hands. He then deflected all questions from the members as to who the people were, and why they were apparently entitled to PEDSA's takings.

Since making the staffing changes earlier this year, Mr Kemp has also now "appointed" a new committee (with himself as Chairman). Again, this committee is made up almost exclusively of Ms Marsh, Mr Kemp, and their friends and families. This new committee was never put to PEDSA's members for a vote. Indeed PEDSA has not held an AGM for at least 2 [possibly 3] years. This is in clear violation of its obligations to its members. It is also in clear violation of its own rulebook (which I was asked to update; back in 2017).

When members have asked Mr Kemp when they are going to be given a say in how PEDSA is now being run; the excuse they are usually given (by Mr Kemp and Ms Marsh) is that an AGM cannot be held "yet", as the financial accounts are not yet ready. I'd like to draw your attention to the fact that I spoke to PEDSA's accountant (Mr Mandra) personally (as I too, was tired of hearing this excuse), and he advised me that he has not, and will not, be preparing any further accounts for PEDSA as he has not even been paid for work that he carried out previously. So this information is being wilfully withheld from PEDSA's members, and they are being misled - it is my belief that this indicates that Ms Marsh etc never intend to call another AGM, or to give PEDSA members a say and/or vote on matters. This failure to prepare and disclose financial accounts also violates PEDSA's obligations under its membership of the FCA.

Finally, and perhaps of most concern, is the fact that PEDSA have now also sublet part of the Church Road premises to a so-called charity ("Sonny's Sensory Trail"). Again, this "charity" is being run by another close personal friend of Mr Kemp (self-appointed PEDSA chairman). Financial details of this arrangement [i.e. the rent being paid] have been withheld from PEDSA's members. Donations for the charity are being sought from both PEDSA's members, and from the wider public (through a Facebook group) - however, it is not clear where the funds raised are actually ending up. Given my concern here, I have tried to locate the charity on the gov.uk charity register. I have been unable to locate this; which I feel raises further, urgent questions now.

Please contact me if you need further details/clarifications on any of the above points. I hope that you can understand why I felt the need to share my concerns when approached by Ms Palmer. PEDSA is no longer operating for the benefit of its members, and is still not complying with its regulatory/reporting/transparency obligations. I do not believe that this situation is likely to change in the near future (or at all), given the way that Ms Marsh and Mr Kemp now seem to have monopolised all control over the Association.

I believe that these licensing objectives are undermined by the current operation of the club premises certificate:

prevention of crime and disorder (unregistered charity, possible financial misappropriation?)

prevention of public nuisance, public safety (ongoing disputes between current/former/non members - as per the 2017 hearing. + members having to challenge strangers as to why they are walking into the clubhouse and taking money - I do not know if the police were called for protection during the incident I gave as an example. It is not only members who use the clubhouse - visitors/the public can be signed-in too)

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IP2 Representation

Review of the premises licence /club premises certificate (under s51(3),s.87(3) or s.167 to the Licensing Act 2003 in respect of the above premises .

Re: Ponders End Allotment and Smallholders Association Ltd ("PEDSA LTD") 82A Church Road , Enfield ,EN3 4NU

This application is made further to (Report 40.48, meeting of Enfield Sub Committee Wednesday 16 August 2017 (item 128) 10.00 am Application for review of Club Premises Certificate.

The Sub Committee recommended resolutions must be implemented by PEDSA Ltd (as per resolutions 16/07/2017) for the benefit of members of PEDSA LTD .

The recommendations of the Sub Committee were as follows :-

- a) Audited Annual Returns year end 2016 for PEDSA LTD for the benefit of the members,
- b) New Revised Rule Book for the benefit of the members .

The Licensing Sub Committee stated that these recommendations are mandatory and must be implemented within six weeks by the elected management committee for PEDSA LTD.

Unfortunately PEDSA LTD has failed to comply with these mandatory recommendations from Enfield Council Sub Committee.

In order to hold a Premises Certificate PEDSA LTD must be able to prove that they are a qualifying club under the Licensing Act 2003.

One of the conditions that must be satisfied is that the club must be established and conducted in good faith.

The Sub Committee requested the following :-

- a) The books of accounts and any other records kept to ensure the accuracy of the financial dealings

of the club from 2014 to date.

b) The minutes from the last 3 Annual General Meeting

c) The names of all Committee Members ,their roles and date of election

d) Copies of the Committee Meetings for the last 18 months

e) Copy of the Club Constitution

f) Copy of the up to date rules

g) What is the nature of the club ? tenants of the allotment full members of the association and associate members of the club house

h) Details of the membership application process including any restrictions relating to access to the premises, nominations of members

i) arbitration processes of the association

j) Details of any restrictions on the club house freedom to purchase alcohol , who makes the commercial decision on behalf of the club and the governance are.

On 16th August 2019 under The Freedom of Information Act I [REDACTED] requested from Enfield Council the following:

a) A Revised copy of Complete Amendment of the Rule Book for PEDSA LTD

b) Audited Annual Returns for 2016

I received an attachment from Enfield Council in response to my request (number fo1 652)

"a) A Revised Complete Amendment of the Rule Book for PEDSA LTD (16.08.2017

(The Rule Book is attached (Rule Book 27.08.2017)

b) Audited Annual Returns for 206 year . The does not currently hold this copy I recommend you approach the club directly."

A quick review of the New Revised Rule Book (Rule Book -27.08.2017) which was attached to the council's reply refers to the Industrial and Provident Societies Act 1965 which is not relevant to PEDSA LTD (which is subject to the Co-operative and Community Benefit Societies Act 2014 (The " Act")) . PEDSA LTD is a registered society with the Financial Conduct Authority ("FCA"). The Community Benefit Societies replaces all the 1965 Act(or its predecessors) which were effectively on 1st August 2014.

To remain register a society must submit their Annual Returns and Audited Accounts in accordance with the 2014 Act . A society must also continue to meet their conditions for registration,

A society must under the FCA guidelines use a Complete Amendment of Rules Form to register under the 2014 Act.

Under the 2014 Act ("The Act") s16.(1) any amendment of a society rule is not valid until the amendment is registered under the 2014 Act.

((under s16 (2)a, s16 (2) and s.16 (4) (a) of the 2014 Act, if the FCA is satisfied that an amendment is not contrary to the provision of the Act it must:-

a)register the amendment .and

b) give the society and acknowledgment of the registration bearing the FCA seal

The Registered Committee of PEDSA LTD was under an obligation to send the document to the FCA for registration of the New PEDSA LTD Revised Rule Book (PEDSA) and give the society an acknowledgement of the registration giving the seal.

The rules in PEDSA Rule Book have not been updated to comply with the 2014 Act in particular , the PEDSA Rule Book 27.08.2017:-

a) Does not include a rule specifically relating to the Amendment of Rules requiring in s16 (1) of the 2014 Act.

The above breaches demonstrates that PEDSA LTD system of governance is entirely inadequate .

PEDSA LTD has therefore ceased to be a qualifying registered society.

It is my understanding that failing to send (Rule Book -27.08.2027 to the FCA ,The Registered Elected Committee of PEDSA LTD has committed an offence under the 2014 Act (s19) .

Provision of rules with intent to mislead or defraud to comply with condition 1) of (s19(1)(a) (b) s19 .(2).

The Register Committee has also committed an offence under the 2014 Act by failing to take reasonable steps to secure that ;- s80 (4)a.s80 (4) b. (4) c. of the 2014 Act has been complied with.

I have a number of concerns relating to the failure of PEDSA LTD including ,regarding the election of the Secretary and Treasurer ,and (2) to provide proper accounts in particular for the 2016 Annual Audited Accounts requests, despite Enfield Licensing office Sub Committee resolutions on 16.08.107 The above breaches demonstrates that PEDSA LTD has ceased to be qualifying club.

Allegations of incident of Crime and/or disorder at the premises/club premises

In addition , PEDSA LTD has failed to pay its annual Club Premises Certificate fee, under s.92 of the Licensing Act 2003

Pursuant to s.92 (1) of the Licensing Act 2003 , the licensing authority must suspend a club premises certificate ,if the holder of the certificate fails to pay an annual fee that has become due under s92(2). The" grace period' under s.92 (8) of the Licensing Act 2003 has passed
PEDSA LTD'S club premises certificate must be suspended.

Finally , I see from the Licensing Register held by Enfield London Borough of Enfield (copy attached for case reference) that PEDSA LTD'S Licence ON 22 June 2019 .

The result must be that PEDSA LTD has ceased to be a qualifying club

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License Register

Licence Registers Search Results

Records 1 to 2 of 2 Licence Type is LCLB and Search Name is PONDERS END

1

Location/Name	Licence Type	Status
<u>Ponders End Smallholders Assoc, 82A Church Road, ENFIELD, EN3 4NU</u>	Club Premises Certificate	Current Issue
<u>Ponders End Working Mens Club, 46 South Street, ENFIELD, EN3 4LB</u>	Club Premises Certificate	Current Issue

Licence Registers Details

- **Licence for** Ponders End Smallholders Assoc, 82A Church Road, ENFIELD, EN3 4NU
- **Applicant** P E D S A
- **Licence Type** Club Premises Certificate
- **Licence Date** 23rd June 2018
- **Expiry** 22nd June 2019

Licence Conditions

Annex 1 - Mandatory Conditions 1. Any supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol, in accordance with the club premises certificate, to members of the club for consumption on the premises. 2. Any supply of alcohol for consumption off the premises must be in a sealed container. 3. Any supply of alcohol for consumption off the premises must be made to a member of the club in person. Annex 2 - Conditions consistent with the Operating Schedule 4. Alcohol shall not be sold or supplied except during the following permitted hours: (a) On weekdays (other than Christmas Day or Good Friday) 10:00 - 23:00; (b) On Sundays (other than Christmas Day) 12:00 - 22:30; (c) On Good Friday 12:00 - 22:30; (d) On Christmas Day 12:00 - 15:00 & 19:00 - 22:30; (e) On New Year's Eve from the end of permitted hours on New Year's Eve to the start of permitted hours on New Years Day. Annex 3 - Conditions attached after a hearing by the Licensing Authority Not applicable

Operating Schedule

- **Activities** Open to the Public
- **Location** Whole Premises
- **Max Number**
- **Hours**
- **Sunday** 00:00 - 00:00
- **Monday** 00:00 - 00:00
- **Tuesday** 00:00 - 00:00
- **Wednesday** 00:00 - 00:00
- **Thursday** 00:00 - 00:00

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IP3 Representation

I would just like to add a few more items which should form part of the review.

There should be no excuse for the non production of PEDSA's Annual Accounts. The Accountant, Mr Mandra only works from the copies of documents sent to him and that it is the committee's total responsibility for the stewardship of the original documents. A qualified Treasurer should be able to produce accounts by using the prime books of entry which is an elementary task and should not take more than a couple of weeks for each of the missing years to be completed, based on the size of PEDSA. I can assure you that all figures can be recovered even if a fire took place.

A good starting point would be the bar income figures. If the Association had been producing quarterly VAT returns, which is a legal requirement, then HMRC should be able to assist in this matter.

The Payroll figures can be compiled from the monthly paye, NI and pension contributions, that is if the Association had been producing monthly returns to HMRC. Members need to see evidence that this is being done and that the unpaid amounts from previous years have been paid. Copies of payslips should also be kept by the committee in a safe place.

Audited Accounts have not been produced in accordance with its own rules.

The Association needs to make members aware of the amount of loans it has received since 2017 in order to meet its financial obligations until 2019 as the bank balances which was previously reported on (see page 149) was below 800.00 (eight hundred pounds)

There needs to be evidence that Sky Sport which is shown on the TV's in the clubhouse is registered as a commercial subscription with Sky as no records in the accounts have ever been mentioned likewise a TV licence

It is my understanding that raffles/lotteries which are held in the clubhouse needs to be reported can evidence be submitted regarding these activites as well as the fundraising receipts and expenditure.

The Plot holders would like to see evidence that adequate insurance is in place for Sonny The Snail to have children with special needs on an allotment site as they have been on the site since march 2019

The former plotholder who was on the plot where Sonny The Snail now occupies was not asked if her plot could be used by another member and was never notified of the committee's intention to evict her from her plot In March 2019. Members would like to see evidence for the reason of the eviction and the committee meeting which agreed to this action and when did the appeal process take place for Laurie Bradford.

Finally the members are still unsure and are deeply concerned about the financial situation of the Association to the extent that some valued members have left over the past year or so.

I believe that the current operation of the club premises certificate undermines the licensing objective under the prevention of crime and disorder for not acting in good faith.

Additionally I believe that the matter of insurance relating to children with special needs also undermines safeguarding issues under the licensing objective for public safety and protection of children from harm.

MUNICIPAL YEAR 2019/20 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
5 February 2020

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003 & Gambling Act 2005

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


SUPPLEMENTARY REPORT

1.1 On 26 January 2020, Lin Marsh, on behalf of Ponders End Smallholders Association provided a list of the Associate and plot members who attended a meeting at the clubhouse, on the same date. It was requested that this be circulated. A copy of this list is now attached as Annex 5.

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

Contact Officer:
Ellie Green on 020 8379 8543


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Name	Signature	Plot no.
R. GRIFFITHS.		053. A
A Powell		132 A
V Girdles		023 A
S. OOTHWAITE		021 A
J LEIGHTON		193
M Swords		
L Marsh		200.
T Kemp		212.
Jason DAYKIN		- N/A -
B Lennon		
Louise Butcher		
Ricky Kemp.		286

SPECIAL MEETING Plot Members

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26/1/20.

Name	Signature	Plot no.
① M. SMALLEY		42
② R SHAW		55/64
③ GJ. WILES		191 E/W
④ Mick WALSH		222 223 224
⑤ F-JAMES		56-65
⑥ S. CARPENTER		22
⑦ BARKER		23
⑧ SHAW		259/133
⑨ PAGE		111/127
⑩		

MUNICIPAL YEAR 2019/20 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
26 February 2020

REPORT OF:
Principal Licensing Officer

LEGISLATION:
Licensing Act 2003 & Gambling Act 2005

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

SUPPLEMENTARY REPORT

- 1.1 In the initial report, it states the club premises certificate is currently suspended due to the non-payment of the annual fee. Since publishing that report, the Licensing Team have undertaken further checks, and established that the club did in fact pay the fee back in October 2019, which was traced using the licence number with an online payment. The instructions to licence holders are to notify the licensing team when such a payment is made, and the system is then updated. No notification was received; therefore, we were not made aware of the payment. As a reminder was sent about the lack of annual fee payment, the club paid again, but still did not notify the licensing team, so now they have paid two annual fees. Therefore, the club premises certificate is no longer suspended.
- 1.2 On 26 January 2020, Lin Marsh, on behalf of Ponders End Smallholders Association provided a number of documents to Charlotte Palmer, instead of the Licensing Team, which they wish to refer to at the hearing. Those documents are now produced, as follows:
 Annex 6: Membership renewals for Associates and plots members. These are the people so far have paid into the club house.
 Annex 7: Email and certificate from Acas
 Annex 8: Emails from HMRC
 Annex 9: Email from Vallance Lodge & Co Chartered Accountants
- 1.3 On 11 February, the Licensing Team received an email from Sonny the Snail, which is now attached as Annex 10.

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

Contact Officer:
Ellie Green on 020 8379 8543

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MEMBERSHIP RENEWAL FOR Associates.

		90	£16.00 P.
		392	£21.00.
		298A.	£16.00 P
		045A.	£21.00
		046A.	£16.00 P.
		342	£16.00 P
		269	£21.00.
		110A.	£16.00 P.
		157A	REFUND.
		0151A.	£16.00 P.
		134A	£21.00.
		TBC	£21.00.
		038A.	£21.00.
		048A.	£16.00 P
		007A.	£16.00 P
		319	£21.00.
		043A	£21.00.
		59	£16.00 P.
		324A	£16.00 P.
		164	£21.00
		233	£16.00 P.
		188.	£21.00.
		309	£16.00 P.
		034A.	£21.00
		040A.	£21.00.
		212	£21.00.
		236	£21.00.
		NEW	£26.00.
		190.	£26.00
		193	£16.00 P.
		322A.	£21.00.
		308	£16.00 P.
		200.	£16.00 P
		137.	£16.00 P.
		050A.	£16.00 P.
		269.	£21.00.
		044A	£21.00
	185.	185	£21.00
		039A.	£21.00.
		047A.	£16.00 P
		350	£16.00
		392	185 £21.00.
		395.	T.B.C
		121A	£16.00 P
1.	A. ATKINS		
2.	N. ABABFI		
3.	R. BROWN		
4.	I. BURLACU		
5.	G. BARKAR		
6.	W. BURBRIDGE		
7.	B. O'BRIAN		
8.	B. BELLS		
9.	O. COULSON		
10.	J. COURTNEY		
11.	G. CALOU.		
12.	J. DAYKIN		
13.	D. DOWLING		
14.	G. DOLE		
15.	M. DUBICKI		
16.	H. ELLIS		
17.	J. FIGUEIRA.		
18.	D. GRAHAM		
19.	M. GRAHAM		
20.	P. GLASS		
21.	B. GRIFFITHS		
22.	M. HAMM		
23.	H. HARRISON		
24.	S. HOLLOWAY		
25.	B. KAQURI		
26.	T. KEMP		
27.	R. KEMP		
28.	C. KELLEY.		
29.	M. LAWES.		
30.	J. LEIGHTON		
31.	B. LENNON		
32.	D. MONK		
33.	L. MARSH.		
34.	J. Newland		
35.	P. O'SULLIVAN		
36.	B. O'Brien		
37.	M. PIPER		
38.	M. ROGERS.		
39.	P. STONES		
40.	S. SHEFFIELD.		
41.	J. SAUNDERS		
42.	G. SHAN		
43.	M. SHAIN		
44.	J. SPELLER		

Paid x2
last
year

MEMBERSHIP RENEWAL FOR ASSOCIATES CONT.

45.	A. THADDERIS	037A.	£21.00.
46.	J. TURNER	035A	£21.00.
47.	P. TWYFORD.	049A	£16.00 P.
48.	T. WILLOUGHBY	6	£21.00.
49.	N. WATKINS	036A.	£21.00.
50.	S. WILLIAMS	164 FBE.	£21.00.
51.	C. WHITES	315A	£16.00.
52.	B. WHITTER	117A.	£21.00.

2020.

MEMBERSHIP RENEWAL FOR PLOTS

HOLDERS

1.	P. AMODEI	84, CHURCH RD. EN3 4NX.	10W	£35.00.	1/2
2.	M. AMODEI		157	£25.00.	1/2
3.	G. ALBANESE		94	£35.00.	1/2
4.	N. ALBANESE		84.	£35.00.	1/2
5.	T. BARER		23	£35.00	1/2
6.	E. BORA		028	£70.00	full
7.	L. BRAGANZAL		26	£21.50	P
8.	S. CARPENTER		22 (F)	£35.00.	P
9.	C. CELESTINE		145 (F)	£35.00.	P
10.	M. CUSANO		4/5	£52.50.	
11.	I. DASCAL.		45E	£35.00.	P
12.	D. FATMA		114.	£75.00.	
13.	L. GATTUSO		52+10.	£74.00.	
14.	Y. GUMMUS.		72	£35.00.	P
15.	F. GUMMUS.		73.	£35.00.	P
16.	M. KILIK.		49	£61.00.	
17.	K. KIRDAQ		NEW.	£26.00.	
18.	M. LOCATELLI		201.	£70.00	full
19.	M. GIUSEPPE		005	£36.00.	P
20.	A. MARTIN		253	£35.00.	P
21.	G. NOBILE		16	£17.50.	shared
22.	F. PEARSON		42	£17.50.	shared
23.	S. RANDISI		214	£70.00.	full.
24.	M. RENNIE		164 E	£21.50	P.
25.	M. Shirley		42H.	£17.50	shared
26.	H. SOYPU.		70	£35.00	P.
27.	G. SEN		20	£70.00	full.
28.	TEMIZ		48 + 104		
29.	TEMIZ		112	£75.00	full.
30.	A. VIEIRA.		198	£35.	P.
31.	A. WELLS		226W		
32.	G. WILLS		191	£35.	P.
31.	M. WALSH.		222, 223, 224	£105.	P
32.	B. WITTER		101	£35.00	P.

ASSOCIATES
K →

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Appendix 7

From: Case <case@acas.org.uk>
Date: 30 August 2019 at 01:10:25 BST
To: Linda Marsh
Subject: **Acas EC Certificate: R526281/19 : Corbett v Ponders End Smallholders Ass**

Dear Ponders End Smallholders Ass ,

Here is your Certificate which is evidence that you notified Acas before making a tribunal application. Please keep this safe as you will need to quote the reference number in full (including the last 2 numbers) if you fill in a tribunal application.

Acas cannot advise you about when a tribunal claim should be submitted. It is your responsibility to ensure that any tribunal claim is submitted on time.

If you are the employer, you are receiving a copy of this certificate because Acas has been in contact with you about this notification.

Yours sincerely,

Vivienne Graham

Vivienne Graham
Conciliator

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EARLY CONCILIATION CERTIFICATE
- Employment Tribunals Act 1996 s18A

Acas EC Reference Number R526281/19/78

Prospective Claimant
Colin Neil Corbett

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Prospective Respondent
Ponders End Smallholders Ass
82A Church Road
Ponders End
Enfield London
EN3 4NX

Date of receipt by Acas of the EC notification - 30 July 2019

Date of issue by Acas of this Certificate - 30 August 2019

Method of issue - Letter

This Certificate is to confirm that the prospective claimant has complied with the requirement under ETA 1996 s18A to contact Acas before instituting proceedings in the Employment Tribunal.

Please keep this Certificate securely as you will need to quote the reference number (exactly as it appears above) in any Employment Tribunal application concerning this matter.

Vivienne Graham

Vivienne Graham
Conciliator

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Annex 8

From: HMRC Online Payments <noreply@tax.service.gov.uk>

Date: 4 September 2019 at 17:54:04 BST

To: [Lin.marsh](#)

Subject: HMRC Payment confirmation



HM Revenue & Customs

HMRC Payment confirmation

Dear Customer

Your payment has been received by HMRC.

Tax	Employers' PAYE and National Insurance
Tax reference	xxxxxx
Payment reference	xxxxxx
Amount paid	£562.93

If you have an online tax account your payment will take 3 to 5 days to show in your account.

Why you got this email

You chose to receive payment confirmation by email.

If you're unsure an email is from HMRC:

- Do not reply to it or click on any links
- Report the suspicious email to HMRC - to find out how, go to GOV.UK and search for 'Avoid and report internet scams and phishing'



From HMRC Online Payments

From: HMRC Telephone Payments <no-reply@pcipal.com>

Date: 18 September 2019 at 10:20:09 BST

To: [Lin.marsh](#)

Subject: HMRC Payment Confirmation

HMRC Payment Confirmation

Thank you for using the HMRC Telephone Payment Service. Please keep this email for your records.

The Transaction Reference for the below payment(s) is xxxxx. Please quote this number in any future communication regarding this payment.

The following transaction(s) were received on **18/09/19** at **10:17:17**.

Tax	Amount	Transaction Fee
------------	---------------	------------------------

VAT	£5,000.00	£0.00
-----	-----------	-------

Your transaction number for this payment is xxxxx.

Total Amount Paid: £5,000.00

Paid with a Visa Debit card, ending in 1018

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Annex 9

From: Vallance Lodge
Sent: 27 January 2020 11:17
To: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>
Cc: 'TINA KEMP' <>; 'Maria a' <
Subject: Ponders End Smallholders Association

Dear Madam

We write to confirm that our communications to this Association were intercepted and returned to us 'undelivered,

Vallance Lodge & Co
Chartered Accountants

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Annex 10

From: Sonny The Snail <sonnythesnail@yahoo.com>
Sent: Tuesday, February 11, 2020 12:39:39 PM
To: Cllr Christine Hamilton <Cllr.Christine.Hamilton@enfield.gov.uk>
Subject: Sonny the snail CIC

Hi Christina, in regards to our conversation I would like to explain who we are and what we do. Sonny the snails sensory garden is a non profit community project registration number 12342772, we have built this garden for all members of our community to learn, enjoy, relax and get muddy. it is specifically intended for those with autism and sensory deprivation in a relaxed, quiet and safe environment. we currently have schools attending sessions in the garden and have built a grow and keep plot for those whom wish to learn to grow, this is particular helpful for families with no budget for fresh fruit and veg and those with no garden. if we could attend the PEDSA meeting tomorrow at 10am at civic centre we will be extremely grateful as we do not have any involvement with the current situation happening at PEDSA

many thanks
kari payne
caroline weiland

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