

# Public Document Pack



## LICENSING SUB-COMMITTEE

Wednesday, 7 July 2021 at 10.00 am  
Virtual

Contact: Jane Creer  
Committee Secretary  
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Council website: [www.enfield.gov.uk](http://www.enfield.gov.uk)

## **PLEASE NOTE: VIRTUAL MEETING**

Please click [HERE](#) to view the meeting or copy and paste the link below into your web browser:

<https://bit.ly/3Acz1HG>

Councillors : Doug Taylor (Chair), Mahmut Aksanoglu 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. THE HOP POLES, PUBLIC HOUSE, 320 BAKER STREET, ENFIELD, EN1 3LH (Pages 1 - 84)

Application for a Review of Premises Licence

### 4. MINUTES OF PREVIOUS MEETINGS (Pages 85 - 106)

To receive and agree the minutes of the meetings held on Wednesday 10 March 2021 and Wednesday 19 May 2021.

### 5. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).  
(There is no part 2 agenda)



**MUNICIPAL YEAR 2021/22 REPORT NO.**

**COMMITTEE:**  
Licensing Sub-Committee  
7 July 2021

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

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

**1. LICENSING HISTORY:**

- 1.1 On 16 February 2006, an application by Mr Kenneth O'Hara to convert an existing Justices On Licence to a Premises Licence, which was not subject to any representations, was granted by the Licensing Authority (LN/200502201).
- 1.2 The premises licence has been transferred five times since, and the Premises Licence Holder is now Mr Thomas Battersby and Mr Michael Kirby (since 16 July 2019) and the current Designated Premises Supervisor (DPS) is Mr Michael Kirby (since 4 April 2017).
- 1.3 Star Pubs & Bars Limited were the former premises licence holder and are still the brewery behind the premises.
- 1.4 The premises licence has not been subject to any reviews under the current or previous premises licence holders.
- 1.5 A copy of Part A of the current premises licence (LN/200502201) is attached in Annex 1.

**2 THIS APPLICATION:**

- 2.1 On 21 May 2021 an application was made by the Metropolitan Police Service (the Police) for a review of premises licence LN/200502201.
- 2.2 The application is sought following police reports of breaches of covid legislation taking place at The Hop Poles, resulting in an unannounced visit in April 2021, where customers were witnessed to be drinking inside the pub. At this time, this was a breach of the covid legislation. Steps had been taken to conceal visibility into the pub from the outside, by covering up glass doors and windows.
- 2.3 The Police are concerned that these actions undermine the licensing objectives public safety and prevention of crime and disorder.

- 2.4 The review application seeks to revoke premises licence LN/200502201 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 is attached in Annex 2.

### **3 RELEVANT REPRESENTATIONS:**

- 3.1 Responsible Authorities:** The Licensing Authority have made representation supporting the Police review application. This representation is produced in Annex 3.
- 3.2 Other Persons:** Three representations from Other Persons were received in relation to this review, two from local residents, and one on behalf of Star Pubs & Bars Limited. These representations all oppose the review application and have shown support for the premises licence holders. These representations are referenced as SUP1 to SUP3 respectively. These representations are produced in Annex 4.
- 3.3 At the time of writing this report, the premises licence holders have not provided a written response to this review application or representations.

### **4 PROPOSED CONDITIONS**

- 4.1 If the Licensing Sub-Committee are minded not to revoke the premises licence in full, the Licensing Authority have proposed that an additional condition be added to the premises licence. The proposed conditions arising from the application are presented in Annex 5. The premises licence holders have not indicated any agreement to the proposed condition.

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

- 5.1 The paragraphs below are extracted from either:
  - 5.1.1 the Licensing Act 2003 ('Act'); or
  - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of April 2018 ('Guid'); or
  - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2020 ('Pol').

#### **General Principles:**

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

5.3 The licensing objectives are:

- 5.3.1 the prevention of crime and disorder;
- 5.3.2 public safety;
- 5.3.3 the prevention of public nuisance; &
- 5.3.4 the protection of children from harm [Act s.4(2)].

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

- 5.4.1 the Council's licensing policy statement; &
- 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

### **5.8 Reviews - Section 11 of the Guidance:**

11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review.

11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.

11.23 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives or preventing illegal working. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives and for the prevention of illegal working in licensed premises. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

## **5.9 Enfield's Licensing Policy**

- 10.1 In its consideration of applications or in a review of a licence where representations have been received, the Council must give appropriate weight to the steps that are necessary to promote the Licensing Objectives; the representations presented by all parties; the Guidance; and this Policy. Where relevant, particular regard will be given to the factors shown under Special Factors for Consideration below. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives.
- 10.3 In reviewing a licence, after representations and/or after a hearing, the Council will consider, and take into account, the complaints history of the premises and all other relevant information.

## **5.10 Covid-19 Information**

5.10.1 Refer to [Gov.uk advice](#) : Step 2 - not before 12 April

5.10.2 Business and activities: Step 2, which will be no earlier than 12 April... Hospitality venues will be allowed to serve people outdoors at Step 2 and there will be no need for customers to order a substantial meal with alcoholic drinks and no curfew, although customers must order, eat and drink while seated ('table service'). Wider social contact rules will apply in all these settings to prevent indoor mixing between different households.

5.10.3 At the time of the April visit to The Hop Poles, it was observed that Regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of [The Health Protection \(Coronavirus, Restrictions\) \(Steps\) \(England\) Regulations 2021](#) was contravened, namely that food and drink was served to customers inside, when only outdoor hospitality was permitted.

### **5.10.4 Compliance**

5.10.4.1 As of [26 March 2020](#) the Covid regulations became enforceable by law in England, and have since been amended. Everyone is required to comply with these Regulations issued by the government in relation to coronavirus, in order to protect both themselves and others.

5.10.4.2 An owner, proprietor or manager carrying out a business (or a person responsible for other premises) who contravenes the Regulations, without reasonable excuse, commits an offence.

5.10.4.3 In England, Environmental Health and Trading Standards officers will monitor compliance with these regulations, with police support provided if appropriate. Businesses and venues that breach them will be subject to prohibition notices, and a person, who is 18 or over, carrying on a business in contravention of the Regulations

may be issued with a fixed penalty. The government has introduced higher fines for those who do not comply, to reflect the increased risk to others of breaking the rules.

5.10.4.4 With the support of the police, prohibition notices can be used to require compliance with the Regulations including requiring that an activity cease. It is also an offence, without reasonable excuse, to fail to comply with a prohibition notice.

5.10.4.5 If prohibition notices are not complied with, or fixed penalty notice not paid, you may also be taken to court with magistrates able to impose potentially unlimited fines.

## 6 Decision

6.1 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 9.37].

6.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:

- 6.2.1 the steps that are appropriate to promote the licensing objectives;
- 6.2.2 the representations (including supporting information) presented by all the parties;
- 6.2.3 the guidance; and
- 6.2.4 its own statement of licensing policy [Guid 9.38].

6.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. It may be decided that no changes are required. However, if further steps are required, the available options are:

- (a) to modify the conditions of the premises licence;
- (b) to exclude an activity from the scope of the premises licence;
- (c) to suspend the premises licence for a period not exceeding three months;
- (d) to revoke the premises licence. [Act s.88].

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

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

Licensing Act 2003
**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: **LN/200502201**

**Part 1 – Premises Details**

Postal address of premises:

Premises name: **The Hop Poles**

Address: **Public House 320 Baker Street, ENFIELD EN1 3LH**

Where the licence is time-limited, the dates:

**Not applicable**

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

**Not applicable**

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

**Operating Schedule Details**

Location	General Times
Activity	OPEN-Open to the Public
Sunday	08:00-00:30
Monday	08:00-00:30
Tuesday	08:00-00:30
Wednesday	08:00-00:30
Thursday	08:00-00:30
Friday	08:00-01:30
Saturday	08:00-01:30
Non-Standard Timings & Seasonal Variations	
Location	Pre-Planned Event Times
Activity	OPEN-Open to the Public
Sunday	08:00-00:30
Monday	08:00-00:30
Tuesday	08:00-00:30
Wednesday	08:00-00:30
Thursday	08:00-00:30



<b>Friday</b>	<b>08:00-02:30</b>
<b>Saturday</b>	<b>08:00-02:30</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>General Times - On &amp; Off Supply</b>
<b>Activity</b>	<b>ALCS-Supply of Alcohol</b>
<b>Sunday</b>	<b>10:00-00:00</b>
<b>Monday</b>	<b>10:00-00:00</b>
<b>Tuesday</b>	<b>10:00-00:00</b>
<b>Wednesday</b>	<b>10:00-00:00</b>
<b>Thursday</b>	<b>10:00-00:00</b>
<b>Friday</b>	<b>10:00-01:00</b>
<b>Saturday</b>	<b>10:00-01:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>Pre-Planned Event Times -On &amp; Off Supply</b>
<b>Activity</b>	<b>ALCS-Supply of Alcohol</b>
<b>Sunday</b>	<b>10:00-00:00</b>
<b>Monday</b>	<b>10:00-00:00</b>
<b>Tuesday</b>	<b>10:00-00:00</b>
<b>Wednesday</b>	<b>10:00-00:00</b>
<b>Thursday</b>	<b>10:00-00:00</b>
<b>Friday</b>	<b>10:00-02:00</b>
<b>Saturday</b>	<b>10:00-02:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>General Times - Indoors</b>
<b>Activity</b>	<b>MUSR-Recorded Music</b>
<b>Sunday</b>	<b>09:00-00:00</b>
<b>Monday</b>	<b>09:00-00:00</b>
<b>Tuesday</b>	<b>09:00-00:00</b>
<b>Wednesday</b>	<b>09:00-00:00</b>
<b>Thursday</b>	<b>09:00-00:00</b>
<b>Friday</b>	<b>09:00-01:00</b>
<b>Saturday</b>	<b>09:00-01:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>Pre-Planned Event Times - Indoors</b>
<b>Activity</b>	<b>MUSR-Recorded Music</b>
<b>Sunday</b>	<b>09:00-00:00</b>
<b>Monday</b>	<b>09:00-00:00</b>
<b>Tuesday</b>	<b>09:00-00:00</b>
<b>Wednesday</b>	<b>09:00-00:00</b>
<b>Thursday</b>	<b>09:00-00:00</b>
<b>Friday</b>	<b>09:00-02:00</b>
<b>Saturday</b>	<b>09:00-02:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>General Times - Indoors</b>

<b>Activity</b>	<b>MUSL-Live Music</b>	
<b>Sunday</b>		<b>09:00-00:00</b>
<b>Monday</b>		<b>09:00-00:00</b>
<b>Tuesday</b>		<b>09:00-00:00</b>
<b>Wednesday</b>		<b>09:00-00:00</b>
<b>Thursday</b>		<b>09:00-00:00</b>
<b>Friday</b>		<b>09:00-00:00</b>
<b>Saturday</b>		<b>09:00-00:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>		
<b>Location</b>	<b>Pre-Planned Event Times - Indoors</b>	
<b>Activity</b>	<b>MUSL-Live Music</b>	
<b>Sunday</b>		<b>09:00-00:00</b>
<b>Monday</b>		<b>09:00-00:00</b>
<b>Tuesday</b>		<b>09:00-00:00</b>
<b>Wednesday</b>		<b>09:00-00:00</b>
<b>Thursday</b>		<b>09:00-00:00</b>
<b>Friday</b>		<b>09:00-00:00</b>
<b>Saturday</b>		<b>09:00-00:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>		
<b>Location</b>	<b>General Times - Indoors</b>	
<b>Activity</b>	<b>DANP-Performance of Dance</b>	
<b>Sunday</b>		<b>09:00-00:00</b>
<b>Monday</b>		<b>09:00-00:00</b>
<b>Tuesday</b>		<b>09:00-00:00</b>
<b>Wednesday</b>		<b>09:00-00:00</b>
<b>Thursday</b>		<b>09:00-00:00</b>
<b>Friday</b>		<b>09:00-01:00</b>
<b>Saturday</b>		<b>09:00-01:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>		
<b>Location</b>	<b>Pre-Planned Event Times - Indoors</b>	
<b>Activity</b>	<b>DANP-Performance of Dance</b>	
<b>Sunday</b>		<b>09:00-00:00</b>
<b>Monday</b>		<b>09:00-00:00</b>
<b>Tuesday</b>		<b>09:00-00:00</b>
<b>Wednesday</b>		<b>09:00-00:00</b>
<b>Thursday</b>		<b>09:00-00:00</b>
<b>Friday</b>		<b>09:00-02:00</b>
<b>Saturday</b>		<b>09:00-02:00</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>		
<b>Location</b>	<b>General Times - Indoors</b>	
<b>Activity</b>	<b>LNR-Late Night Refreshment</b>	
<b>Sunday</b>		<b>23:00-23:30</b>
<b>Monday</b>		<b>23:00-23:30</b>
<b>Tuesday</b>		<b>23:00-23:30</b>
<b>Wednesday</b>		<b>23:00-23:30</b>

<b>Thursday</b>	<b>23:00-23:30</b>
<b>Friday</b>	<b>23:00-00:30</b>
<b>Saturday</b>	<b>23:00-00:30</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	
<b>Location</b>	<b>Pre-Planned Event Times - Indoors</b>
<b>Activity</b>	<b>LNR-Late Night Refreshment</b>
<b>Sunday</b>	<b>23:00-23:30</b>
<b>Monday</b>	<b>23:00-23:30</b>
<b>Tuesday</b>	<b>23:00-23:30</b>
<b>Wednesday</b>	<b>23:00-23:30</b>
<b>Thursday</b>	<b>23:00-23:30</b>
<b>Friday</b>	<b>23:00-00:30</b>
<b>Saturday</b>	<b>23:00-00:30</b>
<b>Non-Standard Timings &amp; Seasonal Variations</b>	

**Part 2**

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

**Name:** Mr Thomas Battersby  
**Address:** [Redacted]

**Registered number of holder (where applicable):** [Redacted]

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

**Name:** Mr Michael John Kirby  
**Address:** [Redacted]

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

**Name:** Mr Michael John Kirby  
**Address:** [Redacted]

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

**Personal Licence Number:** [Redacted]  
**Issuing Authority:** London Borough of Harrow

Premises Licence LN/200502201 was first granted on 4 October 2005.

**Signed:** 

**Date:** 16 July 2019

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



## **Annex 1 - Mandatory Conditions**

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

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

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

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

the premises by 23:00 hours, unless attending a pre-booked private function.

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

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

17. On Friday and Saturday nights the last entry time shall be one hour before closing time, the only exception being for those customers who have gone to the designated smoking area to smoke.

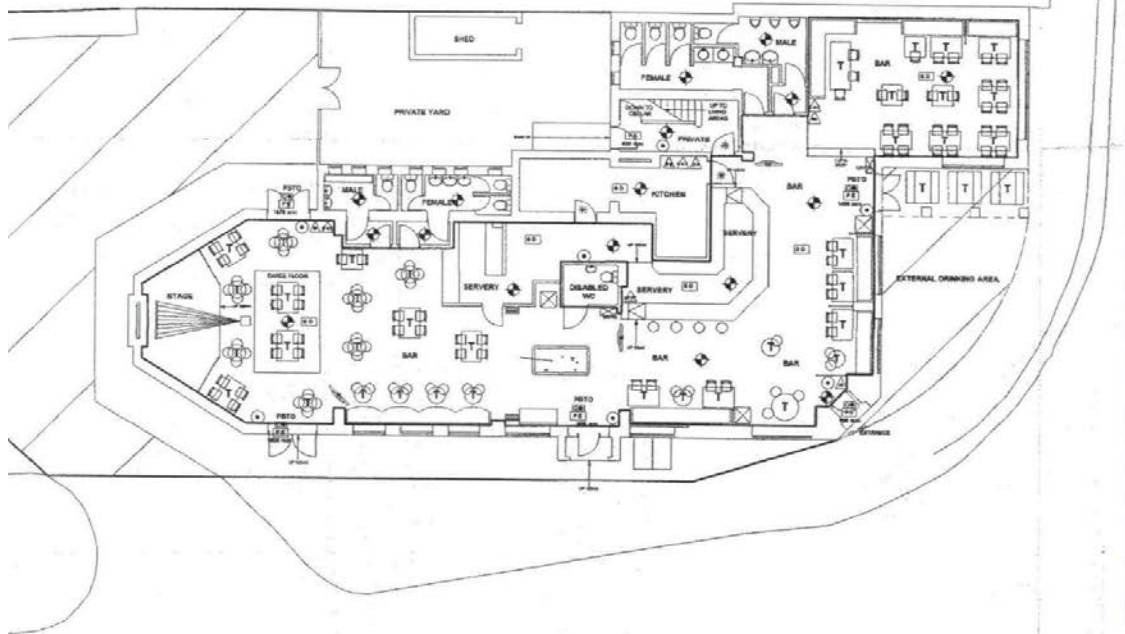
18. The Local Authority or similar proof of age scheme shall be operated at the premises and relevant material shall be displayed at the premises.

19. The premises licence holder shall inform the Licensing Team, in writing, of their intention to use their extended hours, at least 7 days before any such event.

Annex 4 – Plans



LOCATION PLAN 1/1250



This Drawing has been prepared for the purposes of accompanying  
2000 Licensing Act applications for the areas of the premises  
illustrated. Site dimensions should be taken for other purposes.





**METROPOLITAN  
POLICE**

**TOTAL POLICING**

**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 **Police Constable Kayleigh Mitcham 1230NA**

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 club premises, or if none, ordnance survey map reference or description:**

The Hop Poles Public House, 360 Baker Street

**Post town:**

Enfield

**Post code:**  
(if known)

EN1 3LH

**Name of premises licence holder or club holding club premises certificate (if known):**

Mr Thomas Battersby, Mr Michael Kirby

**Number of premises licence or club premises certificate (if known):**

LN/200502201

**Part 2 – Applicant details**

I am:

Please tick Yes

- |          |  |                                     |
|----------|--|-------------------------------------|
| <b>1</b> | <b>an individual, body or business which is not a responsible authority</b><br>(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/>            |
| <b>2</b> | <b>a responsible authority (please complete (C) below)</b>   | <input checked="" type="checkbox"/> |
| <b>3</b> | <b>a member of the club to which this application relates (please complete section (A) below)</b>  | <input type="checkbox"/>            |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)			
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>
Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>
			Any other title (e.g. Rev.) <input type="checkbox"/>
Surname:		First Names:	
I am 18 years old or over <input type="checkbox"/>			
Current postal address if different from premises address:			
Post town:		Post code:	
Daytime Tel. No.:		Email: (optional)	

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC Kayleigh Mitcham 1230NA, North Area Command Unit Licensing Team, Edmonton Police Station, Fore Street N9 0PW	
Telephone Number (if any):	
Email address: (optional)	NAMailbox.-Licensing@met.police.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 <input checked="" type="checkbox"/>
2	Public safety <input checked="" type="checkbox"/>
3	The prevention of public nuisance <input type="checkbox"/>
4	The protection of children from harm <input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)	
The venue has been found to be in breach of both Covid and smoking regulations.	

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

Since the Covid 19 outbreak in the UK last year, 1 million people have been infected and more than 100,000 people have died. The government announced a number of measures to contain the spread of infection and there are specific regulations for licensed premises. Responsible licensed operators have been following these rules throughout the year, however there are a minority of licensed operators who have blatantly disregarded the law and the Premises License Holder for Hop Poles is one such operator.

On two occasions in 2021 during lockdown, members of the public have reported the Hop Poles for having lock-ins.

On Saturday 23rd January 2021 at 1524 hours, police received a call (4237/23JAN21 refers) stating the premises was seen to be having lock-ins the night before with a large number of people who had entered via the back door. On attendance officers saw evidence that drinks were being served.

On Friday 26th March 2021 at 1018 hours, police received a call (CAD 2115/26MAR21 refers) stating that the premises was still operating and allowing a large number of people inside at night.

On 17th April 2021 police and LBE officers attended the Hop Poles at approximately 2040 hrs, due to previous calls of the premises having lock ins at night. Officers found the windows fully obscured and were unable to gain access to the premises as it was fully boarded up from the outside. There was no response at the front door despite several attempts. Officers managed to gain entry through the rear doors of the premises to discover around 17 people present in the bar. There was a strong smell of cigarette smoke and there were cigarettes in ashtrays. There was alcohol in glasses on the table.

Officers spoke to people there and were told the landlord allowed them in as it was cold. PS Wolohan identified the Designated Premises Supervisor Mr Michael John Kirby, who is also one of the licence holders. He was drinking beer and PS Wolohan states in her opinion he was drunk. PS Wolohan also observed two other patrons who appeared to be drunk, one appeared to have consumed a considerable amount of alcohol and knocked over a snack stand and another also appeared considerably drunk and needed assistance to leave the premises.

Mr Kirby was spoken to following a visit to Edmonton Police Station where he handed over CCTV that was requested by Police. During this visit he stated he allowed people to come in and wait for taxis, however CCTV shows the bar staff still serving bottles to tables. The footage supplied only goes back to around 2000 hours despite footage from 1900 hours being requested (timestamp shows 1900 hours but not adjusted for BST); at 2000 hours the bar is quite full so patrons had clearly been there and settled for some time. Mr Kirby was drunk in charge of the premises.

The Hop Poles has been proven to have had a lock in contrary to Covid regulations on this occasion and is suspected to have done so in the past. There were also breaches of smoking regulations. The establishment is not being correctly managed and in its current form is a risk to public health and safety, as well as allowing criminal offences under the Health Act 2006 to be committed. It is felt by Police that the only appropriate course of action is to revoke the Premises Licence. It is clear that the licence holder does not abide by legislation, and the Police believe has undermined the Licensing Objectives, namely the Prevention of Crime and Disorder and Public Safety.

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

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

If you have made representations before relating to this 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, 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 4)

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

Signature:	 1230NA	Date:	21/05/2021
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):

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

NAMailbox.-Licensing@met.police.uk

### 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.

### **LICENSING AUTHORITY REPRESENTATION**

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

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

**Name and address of premises:** The Hop Poles Public House  
320 Baker Street, Enfield, EN1 3LH

**Type of Application:** Review (Police)

I certify that I have considered this review and **I wish to make representations** supporting the review application as activities at the premises are detrimental to the following Licensing Objectives:

- **Prevention of Crime and Disorder**
- **Public Safety**

#### **Background History:**

The licence for this premises was varied in 2019 resulting in representation from the Licensing Authority. Those representations included background history up until 1<sup>st</sup> March 2019. The application was heard by the Licensing Sub Committee on 13<sup>th</sup> March 2019. This representation includes the history of the premises since that date.

**16.08.2019** – Anonymous noise complaint received. As anonymous Officers were unable to find out any further details about type of noise, times etc.

**04.07.2020** – 22:16 Out of Hours Licensing Officers (CT) visited the premises to carry out a covid visit – ‘all appeared ok’

**30.09.2020** – Full Covid Inspection carried out. **See Appendix 1.**

**25.01.2021** – The Council's Licensing Team were notified by the Police Licensing Team of an allegation that the premises was open and selling alcohol for consumption inside the premises in breach of Covid regulations. CAD 4237/23 – Police attended at 1993hrs on the 23<sup>rd</sup> to reports of a potential lock in occurring at the venue. The complainant alleged this was a regular occurrence. Officers witnessed used glasses stacked up on the bar and staff cleaning the equipment/ stocking shelves. Although no customers were present it appeared that staff were preparing for something later that night. As the landlord was not available despite knocking on the residential section of the pub the officers were unable to verify their details. The officers were of the opinion that that the premises was operating despite the lockdown.

**27.01.2021** – Out of Hours Enforcement Officers visited some premises as part of a joint patrol with the Police Covid response team. The police advised the officers that

there was no need to visit this premises as they had visited earlier and it was quiet/no activity.

**29.01.2021** – 21:20 - Out of Hours Enforcement Officers visited the premises as part of a joint patrol with the Police Covid response team. No activity, all quiet.

**05.02.2021** – Out of Hours Licensing Enforcement Officers (EVG/CT) visited the premises at 20:30 - all closed up, customers seen collecting take away, no sign of pub activity. 01:50 – rechecked and premises in darkness, no sign of activity.

**15.04.2021** – 20:15 - Out of Hours Enforcement Officer visited the premises, met employee who advised officer that the premises was. No customers at time of visit.

**17.04.2021** – 20:30 Out of Hours Licensing Enforcement Officers (EVG/CT) visited the premises whilst on joint patrol with Police Licensing Officers. Parked car in pub car park. Observed A Board at entrance to car park advertising "Beer Garden - Open". Low fence, could see into beer garden, not in use. Police officers attempted gate into garden, appeared to be locked. Attempted to open front door and side door, all locked. However, all lights clearly on, a screen showing TV switched on, and the chatter from people inside clearly heard through the door. The door although having glass panels either side, had been covered up. Secrecy screens applied to all windows, but normal glass at top of windows. Peering through cracks of the covered up door glass, an officer (EVG) could see at least two males with silver hair sitting at a table close to the front door. Officer (EVG) banged loudly on the door. The noise did not cause the males to look at the door. The Officer banged again for a longer, louder period. Officer observed a blonde female go behind the bar counter and look up at the CCTV monitor and then disappear. The door was still not opened. Officers observed 2 x take away drivers appear at the beer garden gate. They advised they were collecting from the Thai restaurant which operates out of the pub. The same blonde female that the officer had seen behind the bar appeared at the beer garden gate. The officers introduced themselves and she advised she would get the owner. The Officers followed the female through the beer garden, into the back door, entering by the rear stairs, entering the premises by the kitchen. Thai food was being prepared. The officer (EVG) immediately observed the air was foggy with cigarette smoke and they could hear noise from general chatter. There were approximately 17 customers inside the premises along with the PLH/DPS - Mr Michael Kirby. Mr Kirby was drinking a pint of lager at the table closest to the side fire exit. He was accompanied by approximately 3 males on his table. Several tables were in use and customers were seen to be drinking, including alcohol. Also, ashtrays were seen on tables and one female observed to carry on smoking. The Police Officers took names and addresses of all the individuals. One of the officers (EVG) spoke to Mr Kirby who advised that it was like a wake, as a couple of these customers had parents who had died from Covid. This was not mentioned by any individuals to the police officers. Mr Kirby went on to state that his customers were complaining they were cold when sitting outside so what else could he do. The officer advised Mr Kirby that he would likely receive formal action under covid regulations, smoking legislation and also a licence review. Mr Kirby stated he understood but when the officer moved away from Mr Kirby another officer (CT) heard Mr Kirby say that this was a lot of fuss. Mr Kirby advised the officer (EVG) that his wasn't the only pub doing this however when asked to share the details he declined. The Officer (EVG) took photos of the filled ashtrays, the 2 x doorways which were covered with bin liners to prevent people seeing inside and the side fire exit, which was locked, there were a pair of curtains which had been drawn to prevent people seeing in – **See Appendix 2.** The customers left the premises once their details had been given to the police. There were approximately three members of staff, excluding Mr Kirby and the kitchen cooks. One male was observed to have consumed a considerable amount of alcohol as he

knocked over a snack stand on his way to the toilet, and was very red in the face, unsteady and chatting loudly/randomly. Another female was observed to be swaying as she put on her coat and was assisted in walking out of the premises, she was also struggling to speak sensibly. One male was heard to say on his mobile phone "no they haven't left yet, they are still here". Officers wondered whether this was a tip off to another premises that they were carrying out visits. An Officer (EVG) completed a report sheet with brief findings which Mr Kirby signed and was given a copy of **See Appendix 3** Officers left the premises at approximately 21:00.

**20.04.2021** - As a result of activities witnessed on 17<sup>th</sup> April 2021 a Prohibition Notice was served. **See Appendix 4.**

**09.05.2021** – 19:30 Out of Hours Officers (RCA/JI) carried out a Covid Inspection. Entered via beer garden. Fourteen people outside. Entered premises, no-body inside. Door/entrances. Only access via side into garden. No smoking or drinking inside. to building closed. Face covering and social distancing no compliant. Social distancing and face covering were non-compliant. **See Appendix 5.**

**13.05.2021** – 20:40 - Out of Hours Officers visited the premises to carry out a licence inspection. Premises closed.

**21.05.2021** – 19:30 – Out of Hours Licensing Enforcement Officers (EVG/JI) entered the premises to carry out a full licence inspection. On entering the premises they observed a one way system in place - the middle front door was the only entrance, the door on Lancaster Road was taped off and "No entry" sign displayed. The fire exit door on Baker Street was not open. The exit was through the function room, and out through the beer garden. In the beer garden were marquee type shelters (not enclosed) where customers went to smoke. Hand sanitiser and covid posters were all displayed correctly. The bar had been taped off using stools and tape to prevent customers accessing the bar. The pub was busy, most tables taken, no more than 6 at any table. No concerns relating to Covid measures identified. No smoking indoors. Mr Michael Kirby PLH/DPS was working behind the bar. Officers asked to speak to him in a quieter area and were shown into the back hallway where customers cannot access. Mr Thomas Battersby, the second PLH, was not on the premises at this time. The officers gave the review application to Mr Kirby and advised that they would display the blue notices outside. Officers advised that as a result of the review, a full licence inspection was required. Mr Kirby asked why the Officers came at that time and not earlier or by appointment when it was less busy. The Officers advised inspections like this are carried out during peak performance and unannounced to check conditions that may only apply at weekend evenings for example. The following conditions were observed to be non-compliant:

**Condition 2** - Mr Kirby advised that staff have been trained and records kept but was too busy to go and get them to show officers.

**Condition 3 and 4** - Mr Kirby stated that the refusals book and incident log were kept, but were upstairs (office is upstairs), again too busy to collect.

Officers advised Mr Kirby that he had 7 days to email copies of the above records/logs for the last year to the Licensing Enforcement Officer.

No regulated entertainment was provided at the time of the visit, therefore SIA condition did not apply. An inspection report was completed with the non-compliances and advice, which was signed and a copy issued to Mr Kirby. **See Appendix 6.** Officers left the premises and displayed the blue notices outside.

**25.05.2021** – Senior Licensing Enforcement Officer (CPX) received a voicemail message from the DPS asking for a call back as he had been asked to take photos and email them over but there are 100's of pages. The officers called him back and



advised him to send the most up to date pages and to have them to hand in case Officers needed to visit the premises and look at more. He said they had been in the loft as they have been closed for a long time. The Officer advised him that as soon as the premises reopened the documents should have been available and being used again. Photos received via email, all of which related to 2019. **See Appendix 7.** Having looked at the photos it appears that the documents do not go beyond 2019. The Licensing Authority appreciates that the premises will have been closed on and off as the Covid Regulations changed but each time the premises did open the Premises Licence Holder/DPS should have continued keeping these records up to date. Officers have visited the premises several times since 2019 to carry out Covid inspections, licence inspections etc and these should all have been documented in the incident book. Staff training should have been carried out every six months in line with the licence condition or as soon as they started trading if closed for more than six months at a time.

**08.06.2021** – Senior Licensing Enforcement Officer (CPX) emailed the DPS and requested that they carry out refresher training with all staff in line with the licence conditions and provide evidence that it has been completed along with evidence that an up to date refusal book, incident book and door supervisor logbook are available for use. **See Appendix 8.**

Email received from DPS with 3 additional photos of one book used to record noise check, incidents, accidents and refusals started on 17<sup>th</sup> May 2021. None of the photos related to training or door staff. **See Appendix 9.**

**Conclusion:**

The Licensing Authority supports this licence review application by the Police to revoke the Premises Licence. The Licensing Authority is the opinion that the following licensing objectives have been undermined:

- **Prevention of Crime and Disorder**
- **Public Safety**

If the Licensing Committee is minded not to revoke the licence then the Licensing Authority ask that the licence be suspended until the following actions have been completed:

1. A Vary DPS application has been granted.
2. Staff training has been carried out and documented in line with the relevant licence condition.

The Licensing Authority would also recommend the following conditions be added to the premises licence:

- Curtains or other forms of window coverings shall not be used to block sight access into the premises.

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

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

Signed: CPALMER Date: 15/06/2021



CONSUMER PROTECTION TEAM – Covid-19 INSPECTION REPORT

WK:	Ward:
TRADING NAME: <u>The Hop Poles</u>	DATE OF INSPECTION <u>30/9/20</u>
ADDRESS: <u>Public House, 320 Baker Street EN1 3LN</u>	TIME INSPECTION COMMENCED: <u>13.30</u>
Tel/mobile: <u>[REDACTED]</u>	TIME INSPECTION FINISHED: <u>14.25</u>
REGISTERED OFFICE: <u>Hop Poles Ltd (Enfield) Ltd</u>	EMAIL: <u>[REDACTED]</u>
	NUMBER OF PAGES: <u>2</u>

Person(s) Seen / <u>John O'Dell / Michael John Kirby</u>	Responsibility in business: <u>Director</u>
Owner (if different from above) <u>Hop Poles Ltd</u>	
Type of Premises: <u>Public House / Catering</u>	

**Urgent Actions:**

- keep manual Track & Trace recording sheet stored securely (will be kept ~~at~~ behind bar) No w
- Register with the Information Commission Office for Track + Trace as gathering personal information No w

Further information can be found at: <https://www.gov.uk/coronavirus>  
<http://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>

**Action to be taken by Authority:**

Revisit :  Yes /  No      FPN  Yes /  No

This report only covers the areas seen & discussed at the time of the inspection. It remains the responsibility of the business (Ltd Co/Director/Sole Trader) to comply with all relevant legislation and associate Regulations.  
 Relevant Legislation; Health & Safety at Work Act 1974; the Public Health (Control of Disease) Act 1984  
 The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020  
 The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020  
 IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).


Issued by JOHN SAVVA Designation Senior Technical Officer Telephone No. 020 8132 0689

Received By (Name in Block Capitals) JOHN O'DELL Signature [Signature]

Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3ES  
 Email: [environmental.health@enfield.gov.uk](mailto:environmental.health@enfield.gov.uk) / john.savva1@enfield.gov.uk

**A summary of main mandatory requirements\* laid out by virtue of the Health Protection (Coronavirus, Restrictions) (No. 2) Regulations 2020 (as amended), the Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020, the Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020 and the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020.**

<p><b><u>Face Coverings by all staff and customers</u></b></p> <ul style="list-style-type: none"> <li>It is now compulsory for retail, leisure and hospitality staff to wear a face covering (and/or visor) in areas that are open to the public and where staff come or are likely to come in contact with a member of the public.</li> <li>Any person attending premises that provide hospitality (e.g. customers of bars, pubs, restaurants, cafés), must also wear a face covering at all times, unless an exemption applies. (see overleaf for examples of exemptions).</li> </ul>	<input checked="" type="checkbox"/>
<p><b><u>Contact Tracing for all individuals or groups</u></b></p> <ul style="list-style-type: none"> <li>All individuals entering premises must provide their contact details, including their name and telephone number (else an email or postal address if they do not have a telephone number). Alternatively, they can check-in via the NHS contact tracing app and the venue's own QR code. NB: All premises must provide a QR code for use with the NHS Track and Trace App. Visit <a href="https://www.gov.uk/create-coronavirus-qr-poster">https://www.gov.uk/create-coronavirus-qr-poster</a> to register.</li> <li>Any groups of maximum six customers entering premises must either provide the contact details of each member of the group as above, or one member of the group can provide their contact details, with the number of people in the group to be recorded.</li> <li>In addition to the QR code, all venues must provide at least one other measure to capture contact tracing information, such as a physical signing in/out book; or an electronic booking/ticketing system.</li> <li>At restaurants, cafés, bars and public houses, any person or a group of who does not provide their contact details must be denied entry.</li> </ul>	<input checked="" type="checkbox"/>
<p><b><u>Table Service</u></b></p> <ul style="list-style-type: none"> <li>Customers at bars, pubs, restaurants and cafés, licensed for the supply of alcohol for consumption on the premises, must order and be served with food and drink via the table service.</li> <li>Sitting, standing or ordering at the bar is not permitted.</li> </ul>	<input checked="" type="checkbox"/>
<p><b><u>10pm Closing time</u></b></p> <ul style="list-style-type: none"> <li>Any premises licensed for the supply of alcohol for consumption on the premises that provide food and drink for immediate consumption on the premises, may not commence operation before 5am, and must cease operating at 10pm (exemptions exist for deliveries and drive-throughs).</li> <li>This means that all patrons must have left the premises by 10pm. Suitable last orders and drinking-up time should be put in place to accommodate this.</li> <li>After 10pm, <u>only staff</u> may be present at the premises to conduct the end of night shift duties.</li> </ul>	<input type="checkbox"/>  <input checked="" type="checkbox"/>

Premises Name and Address:	Hop Poles 320 Market Street en13 1H
Officer Name:	JOHN SAVVA
Staff (Sign):	
Staff (Name) – please PRINT.	John C'Dell
Staff Position:	Bar Staff / Director

By signing this form, you agree and confirm that you have read (or have had read to you) and understood these requirements.

*Where the signatory is not the licence holder or DPS, you will provide a copy of this form to them.*

**A full list of face covering exemptions are listed in the Regulation 3(2) of the Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place (England) Regulations 2020. Some examples of face covering exemptions are given below:**

- children under the age of 11 (Public Health England does not recommend face coverings for children under the age of 3 for health and safety reasons);
- people who cannot put on, wear or remove a face covering because of a physical or mental illness or impairment, or disability;
- where putting on, wearing or removing a face covering will cause you severe distress;
- if you are speaking to or assisting someone who relies on lip reading, clear sound or facial expressions to communicate;
- to avoid harm or injury, or the risk of harm or injury, to yourself or others – including if it would negatively impact on your ability to exercise or participate in a strenuous activity;
- police officers and other emergency workers, given that this may interfere with their ability to serve the public;
- if asked to do so by relevant employees for identification or for age identification purposes, including when buying age restricted products, such as alcohol;
- when seated to eat or drink in a hospitality premise, such as a pub, bar, restaurant or café. You must put a face covering back on once you finished eating or drinking.

**This document is only a summary of the legislation. Laws can and do change, and the interpretation of law may develop through case law.**

**The information provided in this document is accurate to the best of our knowledge and belief, at the time it was published (24/09/2020).**

\*- Not an exhaustive list

WK	Premises Name & Address:	Y/N or N/A
A	<b>General Assessment</b>	
1	What posters are on display? (e.g. max capacity; face coverings etc) <i>All relevant provided additional face mask signs on visit</i>	✓
2	<b>Risk Assessment</b>	
2.1	Have premises undertaken a risk assessment?	✓
2.2	Is the RA documented?	✓
2.3	Employers must not knowingly require or encourage someone who is being required to self-isolate to come to work  Does the owner remind staff daily to attend work only if they and their household are well and not self-isolating?  10 days for case                      14 days for contact	✓
3	<b>Measures to Protect Staff</b>	
3.1	<b>Face Coverings (notes for officer)</b>  The Health Protection (Coronavirus, Wearing of Face Coverings in a Relevant Place) (England) Regulations 2020 (Rg.3 amended now employee Powers- Rg5 (7)(e) '  <ul style="list-style-type: none"> <li>• Customers in hospitality venues must wear face coverings, except when seated at a table to eat or drink.</li> <li>• Staff in hospitality and retail services are required to wear face coverings where in contact with customers</li> <li>• Guidance stating that face coverings and visors/goggles should be worn in close contact services (hairdressers/salons) will now become law (from 24 September).</li> <li>• Exemptions include; (see schedule for other exemptions). <ul style="list-style-type: none"> <li>o Under 11</li> <li>o They have a "reasonable excuse" e.g. medial issue. BUT you can not ask for evidence of this.</li> </ul> </li> </ul> <a href="https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/close-contact-services">https://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19/close-contact-services</a>  <a href="https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-takeaways-240920.pdf">https://assets.publishing.service.gov.uk/media/5eb96e8e86650c278b077616/working-safely-during-covid-19-restaurants-pubs-takeaways-240920.pdf</a>	
3.2	Is the business reminding customers to wear face coverings where mandated? (e.g. Until food & drink served at table)	✓
3.2	Are there adequate hand washing facilities (hot water; soap; materials for drying hands)?	✓
3.3	Is hand sanitiser available?	✓
3.4	Where relevant are there 'sneeze screens' barrier to protect both customers and the till operatives  <i>Table serve only</i>	N/A
4	<b>Measures to protect customers inside the premises e.g.</b>	
4.1	What is the Covid safe capacity? <i>Was 300 now 80</i>	✓

4.2	Do the premises limit the number of people in the premises?	80 only reduced from 300	Y
4.3	Are there stewards/security/sufficient staff?		Y
4.4	Is there a one-way system in place?		Y
4.5	Are there floor markings?		Y
4.6	Is T & T manual data recorded/stored & destroyed securely?	kept at entrance but with heap behind bar	Y
<b>B</b>	<b>Legal Assessment- Failure to Comply Consider FPN</b>		
5	<b>Track &amp; Trace (info for officer)</b> The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020 Exemptions include; <ul style="list-style-type: none"> <li>unable to provide the details set out in regulation owing to a physical or mental disability or other reason related to their health, or</li> <li>under the age of 16.</li> </ul>		Y
5.1	Is the QR poster displayed? (specify location)		
5.2	If customers does not use QR is there a T & T system recording the following; <ul style="list-style-type: none"> <li>the name of every customer or visitor.</li> <li>a contact phone number or email or address for each customer or visitor</li> <li>date of visit, arrival time and, where possible, departure time</li> </ul>		Y
5.3	Groups of 6; are they recording details of each persons in the group?		Y
6	<b>The Health Protection (Coronavirus, Restrictions) (No. 2) (England) (Amendment) (No. 5) Regulations 2020</b>		
6.1	<b>10pm-5am close.</b> Is the business closed between 10pm & 5am Applies to all businesses selling food or drink (including cafes, bars, pubs and restaurants), social clubs		Y
6.2	What time is "last orders"		9:30pm
6.3	Is the business aware that they must not operate as a takeaway after 10pm but delivery is permitted?		Y
7	<b>Consumption of food on the premises</b> The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020		
7.1	Is food and drink ordered from, and served at, a table?		Y
7.2	Is there an "appropriate distance" between the tables of at least 2m or At least one meter if there are barriers or screens between tables; the tables are arranged with back to back seating or otherwise arranged to ensure that persons sitting at one table do not face any person sitting at another table of a distance of less than 2m.		Y























CONSUMER PROTECTION TEAM - Covid-19 Front Sheet (reopening 12/4/21)

Type of visit:  Initial Visit  Revisit  Implicated Setting Visit

Ward: \_\_\_\_\_

WK \_\_\_\_\_

PREMISES NAME: The Hop Poles DATE OF INSPECTION: 17/4/21

TRADING NAME: \_\_\_\_\_ INSPECTION COMMENCED: 20.40

(if different from above)

ADDRESS: 320 Baker Street TIME INSPECTION FINISHED: \_\_\_\_\_

Enfield

TEL/mobile: \_\_\_\_\_ EMAIL: \_\_\_\_\_

REGISTERED OFFICE/HOME ADDRESS: \_\_\_\_\_

Company Name & Number: \_\_\_\_\_

Person(s) Seen: Michael Kirby Responsibility in business: PLH + DPS

Owner (if different from above): \_\_\_\_\_

Type of Premises: Pub

Compliance Summary	Non-Compliant (NC) or Compliant (C)	Urgent Actions
QR poster		
No internal seating for consumption of food/drink on premises	NC	17 customers inside premises drinking and smoking.
FCNW (face coverings not worn by staff or public)		Customers and friends, some customers are suffering bereavement.
FCNC (face coverings not challenged &/or no face covering poster)	NC	Customers too cold outside.
SD (measures in place eg; 2m; one way system; screens etc)		
Other		

Advised likely to receive formal action under covid regs and possible licence review, and smoking breaches.

Action to be taken by Authority:

Revisit:  Formal Notice:

This report only covers the areas seen & discussed at the time of the inspection. It remains the responsibility of the business comply with all relevant legislation and associate Regulations.

IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).

Issued by: Ellie Green Designation: Licensing Telephone no: 020 8132 2128 020 8379 1000

Received By (Name in Block Capitals) Michael Kirby Signature

Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3ES  
 Email: [Environmental.health@enfield.gov.uk](mailto:Environmental.health@enfield.gov.uk) / «TS»«OFFICEREMAIL»«TE»



**census**  
2021

**ENFIELD**  
Council



Mr Michael Kirby  
Owner of The Hop Poles Public House  
320 Baker Street  
Enfield  
EN1 3LH

Please reply to: Amanda Butler

Email: [Amanda.butler@enfield.gov.uk](mailto:Amanda.butler@enfield.gov.uk)  
Phone: 0208 132 1572  
Textphone:  
Fax:  
My Ref: Wk/ 220085361

Your Ref:  
Date: 20<sup>th</sup> April 2021

Dear Michael Kirby-Owner of The Hop Poles Public House

**The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021  
(SI. 2021 No. 364)**

On 17<sup>th</sup> April 2021, Officers from Enfield Council conducted an inspection at your business premises namely The Hop Poles Public House-320 Baker Street, Enfield EN1 3LH.

During the inspection, it is alleged that your business premises provided the service of selling food or drink for consumption on the premises that was not served to a customer(s) seated outdoors on the said premises other than as permitted by the exceptions listed, and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

**Actions required:**

- **Immediately close the indoor premises, or indoor part(s) of the premises, in which food or drink are provided for consumption on the premises,**
- **Immediately cease providing food or drink for consumption indoors on the premises**
- **Immediately cease carrying on a business/providing the service of selling food or drink for consumption on the said business premises that was not served to a customer seated outdoors other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11**

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

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

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

Please find enclosed a prohibition notice for a breach of the above Regulations

This prohibition is effective for the entire period of Step 2 restrictions in England.

Enfield Council's Consumer Protection Team will issue a Fixed Penalty Notice for £1000, if the prohibition notice is breached.

Yours sincerely



Amanda Butler  
Senior Fair- Trading Officer  
Encl. Prohibition Notice

**IMPORTANT** – Are you Registered to Vote? Do you want to vote by post? Apply early.  
To find out more go to [www.gov.uk/register-to-vote](http://www.gov.uk/register-to-vote)

**London Borough of Enfield**

**The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021  
(SI. 2021 No. 364)**

**PROHIBITION NOTICE WK/220085361**

20<sup>th</sup> April 2021

**Part A**

**To Mr Michael Kirby – Owner of The Hop Poles Public House**

**Trading as:** The Hop Poles Public House

**At:** 320 Baker Street, ENFIELD, EN1 3LH

This Prohibition Notice is served under regulation 10(6) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021 (the "Regulations") and has immediate effect.

The Regulations impose certain restrictions to protect against the risks to public health arising from coronavirus. Failure to comply with the requirements of the Regulations, without reasonable excuse, is a criminal offence.

I, Amanda Butler- Senior Fair-Trading Officer, designated as a relevant person for the purposes of the Regulations by Enfield Council, have reasonable grounds for believing that you are contravening a requirement in the Regulations as set out in Part B below and that it is necessary and proportionate to issue this Prohibition Notice to prevent you from continuing to contravene that requirement.

**Part B. Contravention of the restrictions**

**Regulation contravened:**

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(4) (Restrictions on service of food and drink for consumption on the premises – subject to the exceptions listed, this applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4) which serves alcohol for consumption on the premises.

**Particulars of the offence**

It is alleged that on 17<sup>th</sup> April 2021, Michael Kirby Owner of The Hop Poles Public House 320 Baker Street, Enfield, EN1 3LH carried on the business /provided the service of selling food or drink for consumption on the premises that was not served to a customer seated outdoors on the said premises other than as permitted by the exceptions listed, and being in contravention of regulation 7 and Part 2 of Schedule 2, paragraph 9(4) of The Health Protection (Coronavirus, Restrictions) (Steps) (England) Regulations 2021.

### **Part C. Action required**

This Prohibition Notice requires that you immediately cease the activities identified in Part B giving rise to the contravention of the Regulations. The measures specified below must be taken to prevent continued contravention of the Regulations:

In relation to a breach of a Step 2 restriction imposed by regulation 7 and Part 2 of Schedule 2, paragraph 9(1) (Restrictions on service of food and drink for consumption on the premises - applies to business or service listed in paragraph 13(4), or is carried on from, or provided at, premises of a kind specified in paragraph 13(4)):

#### **Actions required:**

- **Immediately close the indoor premises, or indoor part(s) of the premises, in which food or drink are provided for consumption on the premises,**
- **Immediately cease providing food or drink for consumption indoors on the premises**
- **Immediately cease carrying on a business/providing the service of selling food or drink for consumption on the said business premises that was not served to a customer seated outdoors other than as permitted by paragraph 9(2)(a), 9(2)(b), or the exceptions listed in paragraphs 10 and 11**

### **Part D. Consequences of non-compliance with this Notice, and with the Regulations**

Failure to comply with this Prohibition Notice, without reasonable excuse, is an offence under regulation 11 of the Regulations, punishable by a fine on summary conviction in a Magistrates' Court.

A fixed penalty notice may be issued in accordance with regulation 12 of the Regulations, or you may be prosecuted under regulations 11 and 18 of the Regulations

### **Part E. Representations of this Prohibition Notice**

If you consider that the Notice should not have been issued, you can make representations to Enfield Council, Head of Regulatory Services and Occupational Health and Safety, by email outlining your reason, within 7 days of the date on this Notice.

In the email subject header quoting WK/220085361 reference and Representation against COVID PN.

**This Notice remains in force even if you have raised a representation.**

**Should the local authority's review of your representation determine that the Notice should not have been issued, you will be notified in writing via email that the Notice has been revoked.**

Signed:



Date: 20<sup>th</sup> APRIL 2021

Name in Capitals: AMANDA BUTLER-SENIOR FAIR-TRADING OFFICER

Name and Address of Local Authority: London Borough of Enfield, Civic Centre, Silver Street, Enfield EN1 3XH

Telephone: 0208 132 1000

Email: [Amanda.butler@enfield.gov.uk](mailto:Amanda.butler@enfield.gov.uk)

**If you are not sure of your rights or the implications of this Notice, you may want to seek independent legal advice.**



CONSUMER PROTECTION TEAM – Covid-19 INSPECTION REPORT

WK:	Ward:
TRADING NAME: THE HOT Poles	DATE OF INSPECTION 9/5/21
ADDRESS: 320 BALWY ST EN1 3LH	TIME INSPECTION COMMENCED: 19:20
Tel/mobile	TIME INSPECTION FINISHED: 20:00
REGISTERED OFFICE	NUMBER OF PAGES: 1

Person(s) Seen / JOHN O'DELL + JOHN KERBY Responsibility in business:  
 Owner (if different from above) AS ABOVE  
 Type of Premises:

**Urgent Actions:**  
 - NO FACE COVERING AT TIME OF VISIT. REMIND TO WEAR FACE COVERINGS WHILE SERVING CUSTOMERS.  
 - REMIND CUSTOMERS TO MAINTAIN SOCIAL DISTANCING ACCORDING TO


Further information can be found at: <https://www.gov.uk/coronavirus>  
<http://www.gov.uk/guidance/working-safely-during-coronavirus-covid-19>


**Action to be taken by Authority:**

Revisit:  Yes /  No      FPN  Yes /  No

This report only covers the areas seen & discussed at the time of the inspection. It remains the responsibility of the business (Ltd Co/Director/Sole Trader) to comply with all relevant legislation and associate Regulations.

Relevant Legislation; Health & Safety at Work Act 1974; the Public Health (Control of Disease) Act 1984  
The Health Protection (Coronavirus, Collection of Contact Details etc and Related Requirements) Regulations 2020  
The Health Protection (Coronavirus, Restrictions) (Obligations of Hospitality Undertakings) (England) Regulations 2020  
IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).

Issued by  Designation SEHO Telephone No. 020 8132 0696

Received By (Name in Block Capitals) JOHN O'DELL Signature 

Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3ES  
 Email: [environmental.health@enfield.gov.uk](mailto:environmental.health@enfield.gov.uk) / .....@enfield.gov.uk



**CONSUMER PROTECTION TEAM – Covid-19 Front Sheet (reopening 12/4/21)**

Type of visit: Initial Visit  Revisit  Implicated Setting Visit

<b>WK</b>	<b>Ward:</b>
PREMISES NAME: <u>THE HOT POLIS</u>	DATE OF INSPECTION: <u>9/5/21</u>
TRADING NAME: (If different from above)	INSPECTION COMMENCED: <u>19.21</u>
ADDRESS: <u>320 BALCAN ST EN1 3LH</u>	TIME INSPECTION FINISHED: <u>20.00</u>
TEL/mobile: _____	EMAIL: _____
REGISTERED OFFICE/ HOME ADDRESS: _____	NUMBER OF PAGES: <u>1</u>
Company Name & Number: _____	
Person(s) Seen: <u>JOHN ODELL / JOHN (CHRIS)</u>	Responsibility in business: _____
Owner (if different from above): _____	
Type of Premises: _____	

Compliance Summary	Non-Compliant (NC) or Compliant (C)	Urgent Actions
QR poster	<u>C</u>	
No internal seating for consumption of food/drink on premises	<u>C</u>	
FCNW (face coverings not worn by staff or public)	<u>NC</u>	
FCNC (face coverings not challenged &/or no face covering poster)	<u>C</u>	
SD (measures in place eg; 2m; one way system; screens etc)	<u>NC</u>	
Other		

**Action to be taken by Authority:**

Revisit:  Formal Notice:

This report only covers the areas seen & discussed at the time of the inspection. It remains the responsibility of the business comply with all relevant legislation and associate Regulations.

**IF YOU DO NOT UNDERSTAND THIS REPORT, OR WANT TO DISCUSS IT, PLEASE CONTACT THE OFFICER (DETAILS BELOW).**

Issued by:	Designation:	Telephone no:
<u>PERRO</u>	<u>SETHO</u>	020 8132 / 020 8379 1000

Received By (Name in Block Capitals) JOHN ODELL Signature [Signature]

**Consumer Protection Team Civic Centre, Silver Street, Enfield, EN1 3ES**  
**Email: [Environmental.health@enfield.gov.uk](mailto:Environmental.health@enfield.gov.uk) / «TS»«OFFICEREMAIL»«TE»**

REF: WK/

LICN\_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	The Hop Poles	
Premises Address	320 Baker Street	
Time of Visit:	Start: 19.30	Finish:

During an inspection of your premises on .....21 May.....20.21....., the following was checked:

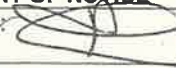

Part B of Premises Licence displayed? Yes  No   
 Address & tel no. of PLH & DPS on licence correct? Yes  No  (If incorrect, insert new details below)  
 Conditions of licence checked? Yes  No

No. of condition not in compliance	Evidence/Advice
C 2	Training records have been done stated Mr Kirby but not available on inspection. Request for copies to be forwarded on.
C.3+4	Refusals log and incident log kept upstairs need to be shown to officers
	Mr Kirby was very busy so did not have time to show us the training records, refusals log or incident log.
	Please send copies of training logs for the last year + refusals log + incident log to Charlotte Palmer *

Any other matter(s) that need addressing:

No regulated entertainment, therefore SIA not required at time of visit. Think 21 in place.

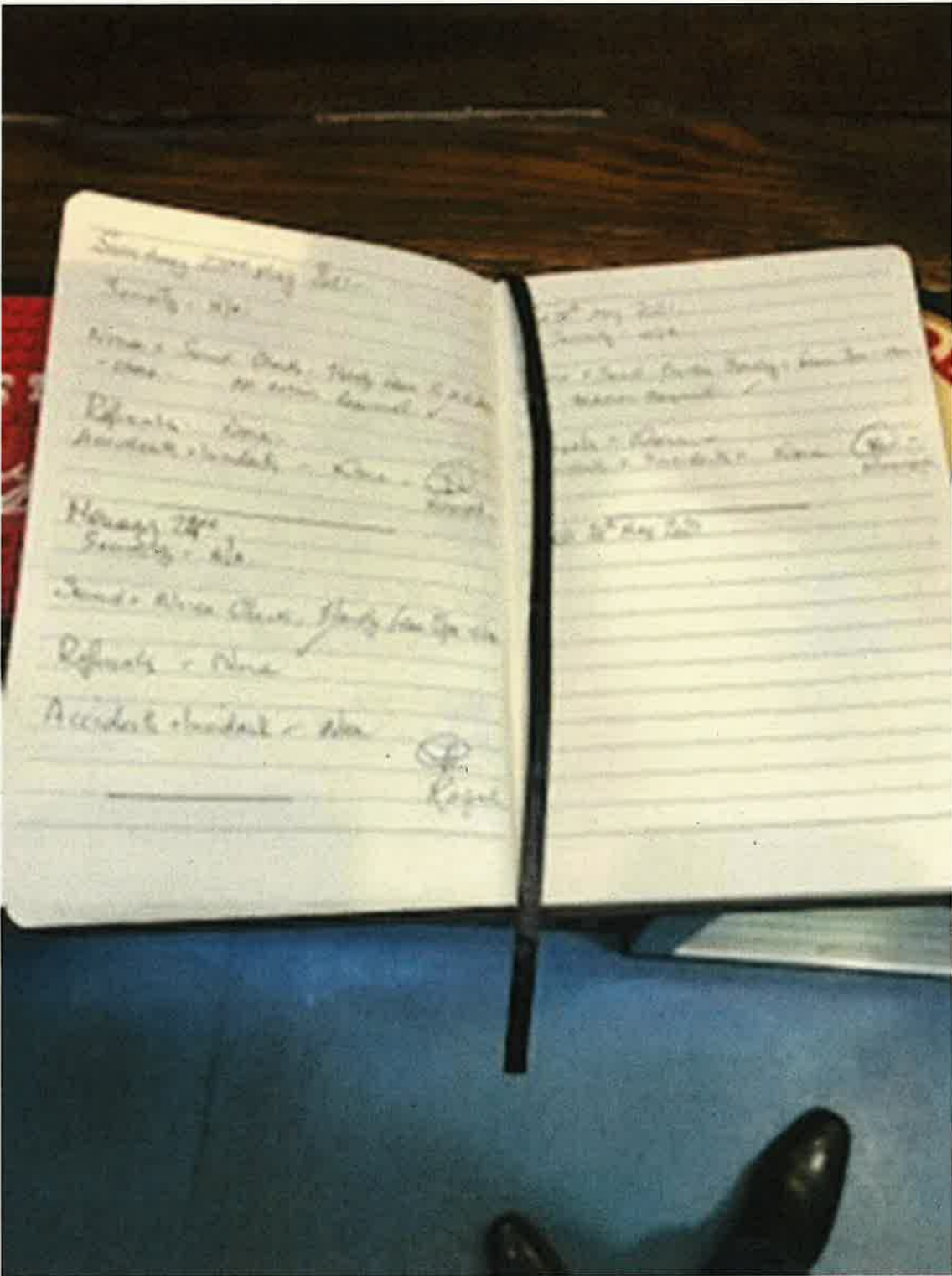
You are required to have the above matters attended to within .....7.....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

<b>LICENSING ENFORCEMENT</b>	<b>RECIPIENT OF NOTICE</b>
Print Name of Officers in Attendance: Ellie Green Joynul	Signature: 
If you have any queries relating to this report please contact Charlotte Palmer, Senior Licensing Enforcement Officer via 0208 132 2004 or charlotte.palmer@enfield.gov.uk *	Print Name & Position: Mr Michael Kirby
	Email/Tel: 

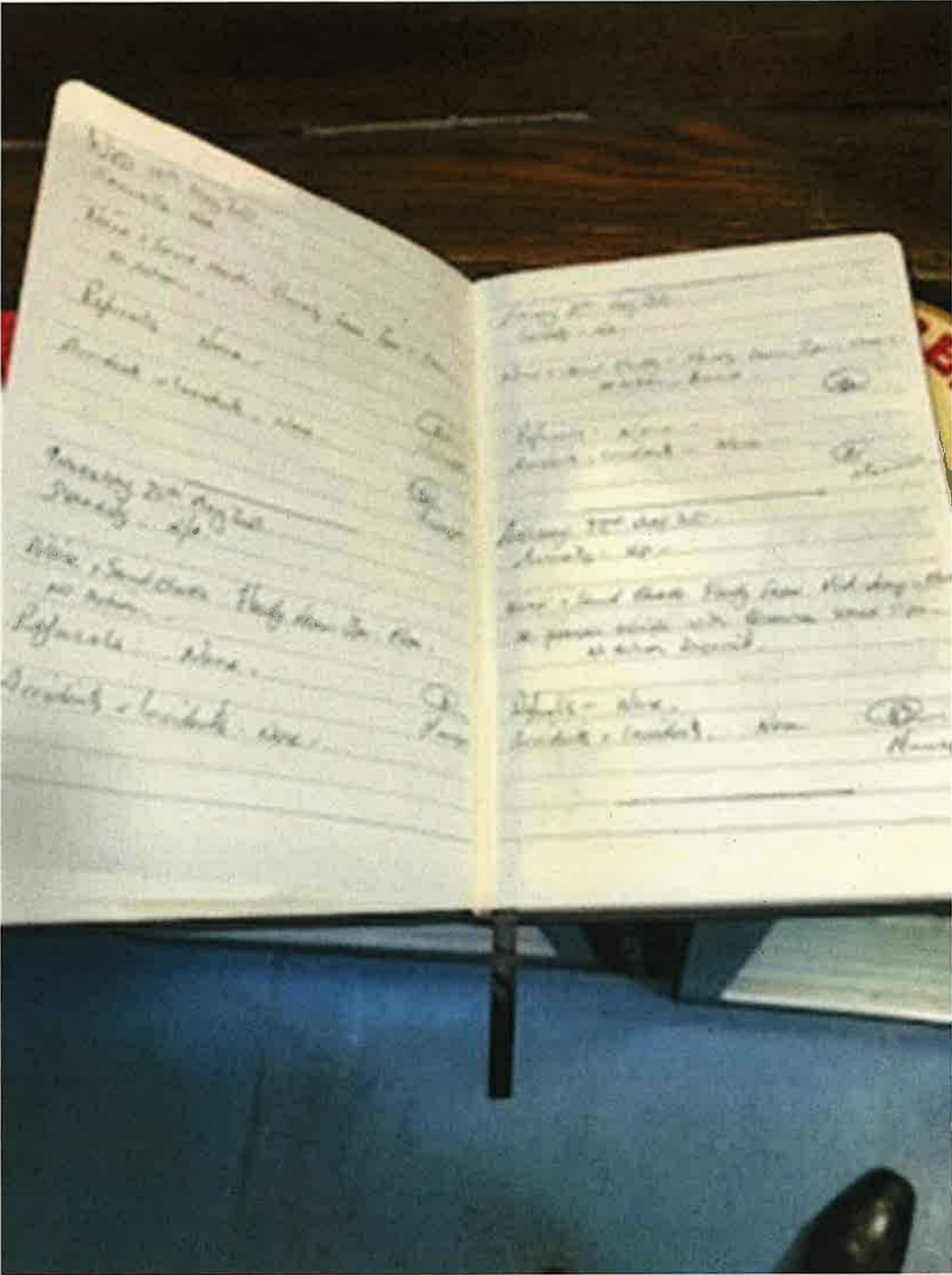
\*Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



\* check licence times.









Inside Bus Area


Mon: 17<sup>th</sup> May 2021.

All security regained as an intercommed on site 21<sup>st</sup> June 2021.

Noise & Loud Clack

No<sup>o</sup> 30m until case 11am (handy) -   
No action: 

Referrals: None

Accidents & Incidents: None -   
Manning

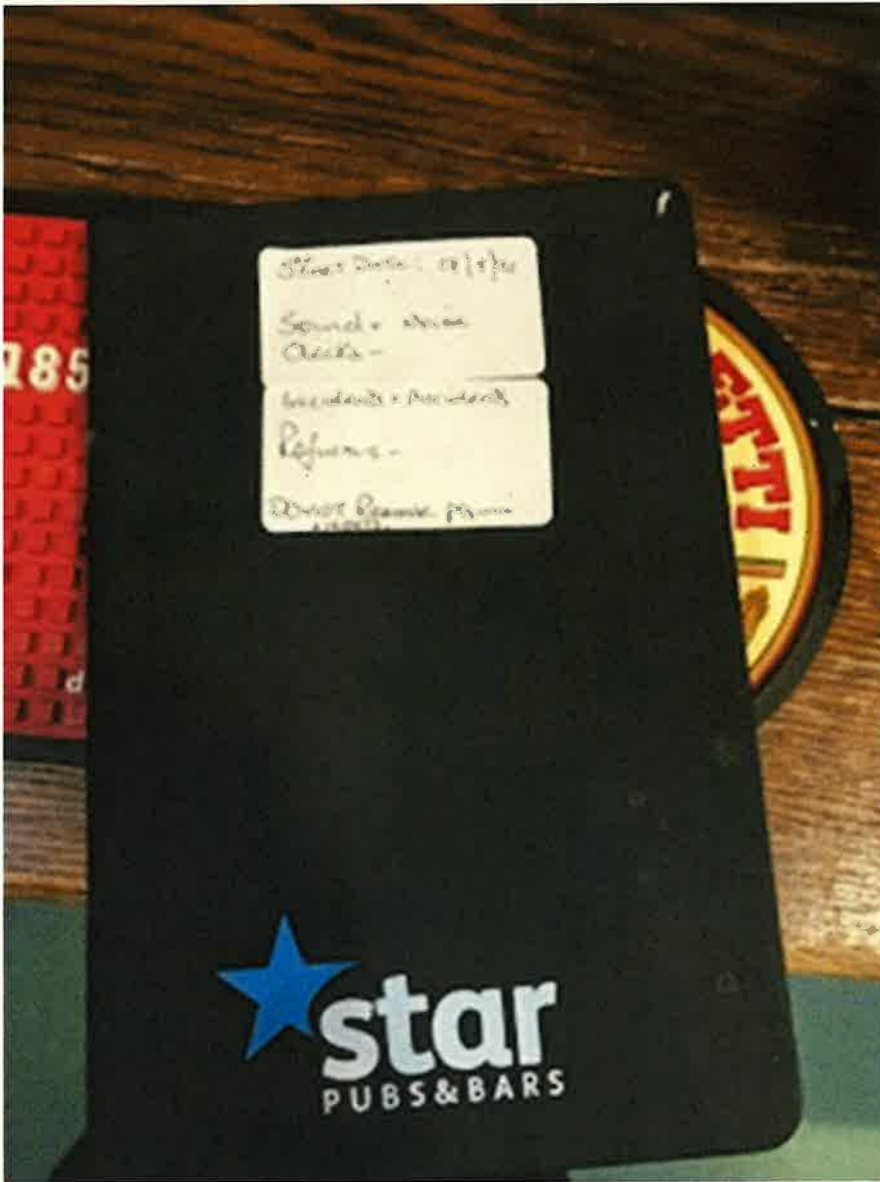
Tue 18<sup>th</sup> May 2021.

Security - A/O -

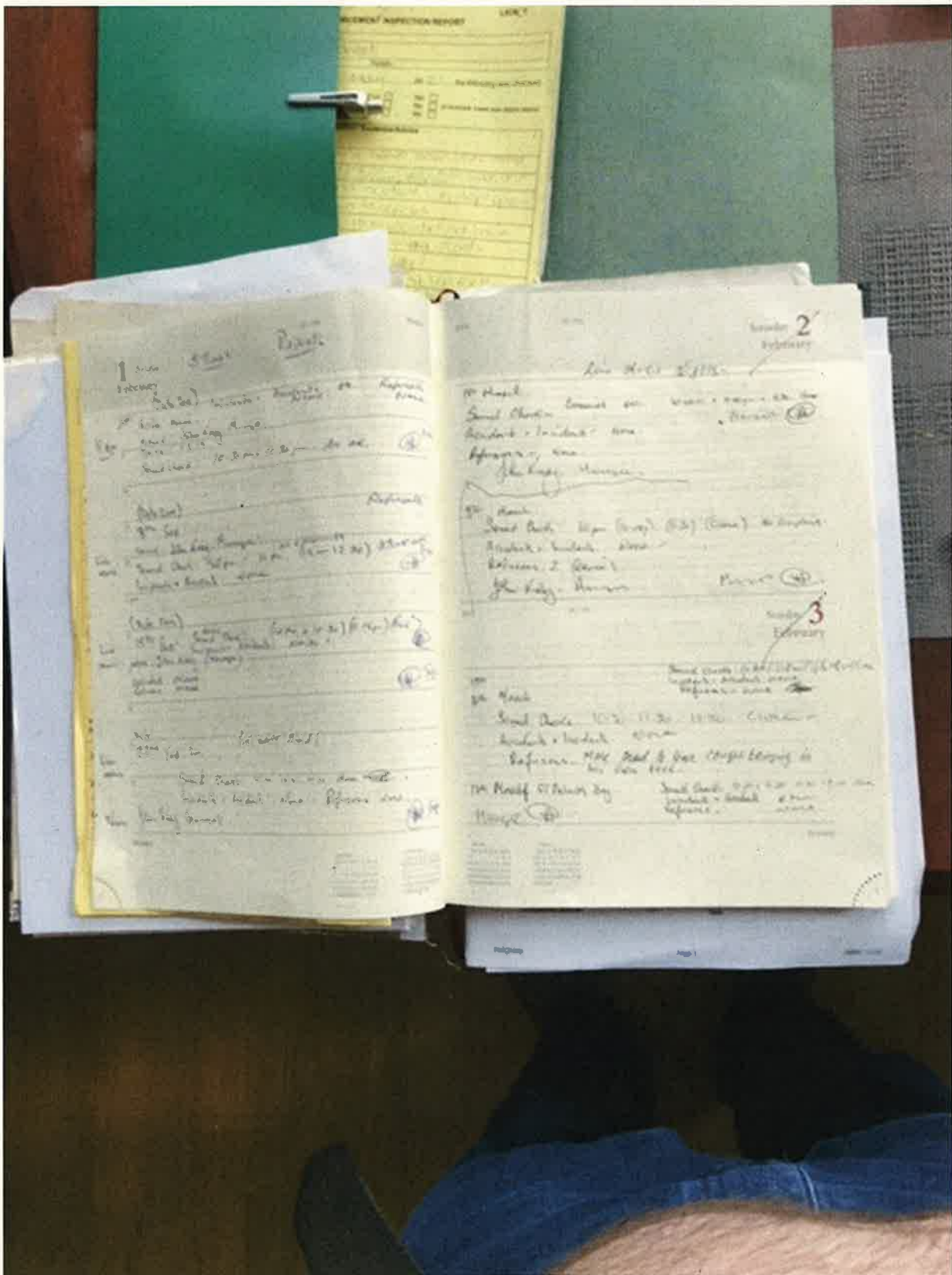
Noise & Loud Clack. Handly from 3pm close -  
No action req.

Referrals: None

Accidents & Incidents: None -   
Manning



Sound checks, Incidents, Accidents, Refusals.



2019

31.534

Chadotte Patrick

Thursday

31

January  
(1919)Kam  
PC.5045

VISIT for licencing (conditions etc.)

Starting: Full license inspection

Details to discuss AWP's. Policy along with training programs for staff + management.

\* Noise level checks to be carried out + Documented

\* Training Records Staff on all Aspects of Hospitality Industry: Serving, Dealing people, Refusals, Fire checks license conditions etc.

\* Monitor Age not just drinks (Alcohol) but also Gaming Machines.

\* CCTV to be kept 28-31 Days of Recording. and to be Accessible to local Authority Police etc.

\* Incident + Accident book to be signed and (if Applicable) Sign, date, name, and brief note on what occurred

\* Chadotte to send temp-plates + ppo posters - Sound checks - training implementation

All This to start and be in place from 31<sup>st</sup> Jan 2019

Priority

MUSIC HOME BOOK

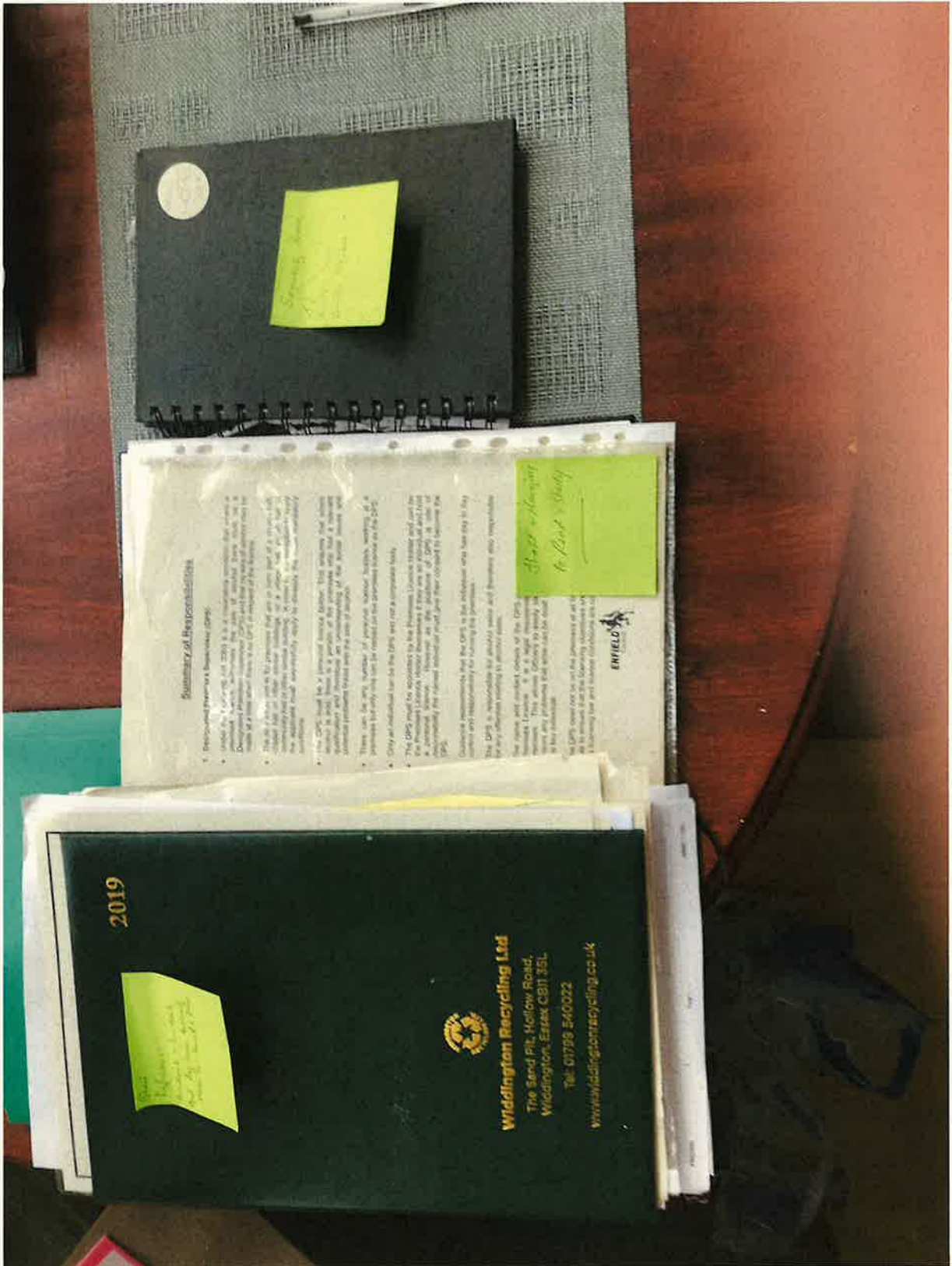
Summary of Responsibilities

1 Designated Premises Supervisor (DPS)

- Under the Licensing Act 2003 it is a mandatory condition that where a premises licence authorises the sale of alcohol there must be a Designated Premises Supervisor (DPS) and that no sale of alcohol may be made at a time when there is no DPS in respect of the licence.
- The only exception is for premises that are or form part of a church hall, chapel hall or other similar buildings, or a village hall, parish hall or community hall or other similar building. In order for the exception to apply the applicant must successfully apply to disapply the usual mandatory conditions.
- The DPS must be a personal licence holder. This ensures that where alcohol is sold, there is a person at the premises who has a relevant qualification and therefore an understanding of the social issues and potential problems linked with the sale of alcohol.

Security Book.  
Sign in -  
Kater Time  
Bridge Number -

Date	Brief Description of Training Carried Out	Name of Staff	Signature of Staff Receiving Training	Name & Position of Person Providing Training	Date Refresher Training due
7.2.19	Fire Escape Procedures	John Dell	[Signature]	John Kirby - Manager	7-8-19
		Laura Chase	[Signature]	John Kirby - Manager	6/19
		Nina Bandwasa	[Signature]	John Kirby -	
12.2.19	licence to Sell Alcohol	Laura Chase John O'Neil	[Signature]	John Kirby - Manager	(12.2.19)
12.2.19	Drugs policies	Laura Chase John O'Neil	[Signature]	John Kirby - Manager	(12.2.19)
12.2.19	Michelle Woods	Michelle Woods	[Signature]	John Kirby - Manager	(12.2.19) (12FT)
12.2.19	Drugs policies + licence to sell Fire Escape Procedures	Justina Grodzka	[Signature]	John Kirby - Manager	(12.2.19) (12FT) ex 6 months
5/5/19	Louise White Drugs Policies, licence to Sell Alcohol Fire Procedures	Louise White		John Kirby - Manager	5/19



Summary of the provisions

- 1. Disposed premises to a business (DPS)
- 2. The DPS is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 3. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 4. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 5. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 6. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 7. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 8. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 9. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.
- 10. The DB is a company which is a member of the group of companies which is a Disposal Business (DB) and has been the subject of a disposal to the DB.

*Must be a company*  
*to be a company*

2019



**Widdington Recycling Ltd**  
 The Sand Pit, Hollow Road,  
 Widdington, Essex CB11 3SL  
 Tel: 01799 540022  
 www.widdingtonrecycling.co.uk

Sat 14th Dec 2014

Security 1

Name: John O'Dell

Badge num: 1017430816403190

Time

In	out
9:00	

Security 2

Name: LAWRENCE BROWN

Badge num: 107529753503828

Time

In	out
21:00	02:00

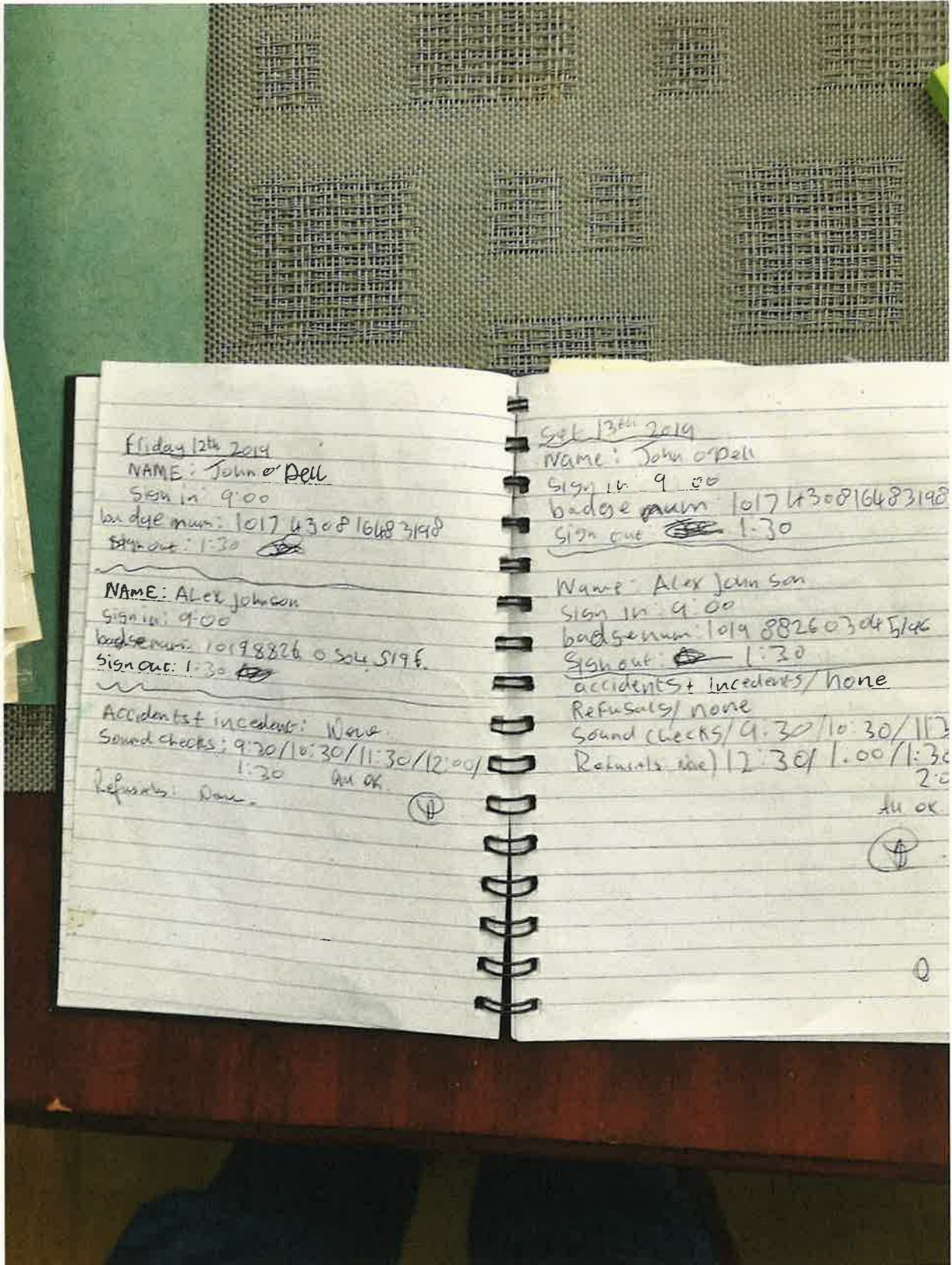
Refusals: None -

Accidents/Incidents: None -

Sound checks: 10pm/11pm/2am/2am

Manager





Friday 12th 2014

NAME: John O'Pell

Sign in: 9:00

badge num: 1017 4308 1648 3198

Sign out: 1:30

NAME: Alex Johnson

Sign in: 9:00

badge num: 1019 8826 0544 5196

Sign out: 1:30

Accidents + incidents: None

Sound checks: 9:30/10:30/11:30/12:00/1:30

Refusals: None



Sat 13th 2014

Name: John O'Pell

Sign in: 9:00

badge num: 1017 4308 1648 3198

Sign out: 1:30

Name: Alex Johnson

Sign in: 9:00

badge num: 1019 8826 0344 5146

Sign out: 1:30

accidents + incidents/ none

Refusals/ none

Sound checks: 9:30/10:30/11:30

Refusals: none 12:30/1:00/1:30

All ok



0

# DOOR Supervisory

5th April 2019.

Name: John J. Dell

Sign in: ~~10:00~~ 9:00

Badge no. ~~1017~~ 1017 4308 / 6483100

Sign out: 1:30 


Name: Alex J.

Sign in 9:00

Sign out 03:45

Badge No. 1019 8826 0304 5196

Incidents: none

Accidents: none 

Sound Checks: 9:30 / 11:30 / 12:00  
1:30

2019

Staff  
Refusers:  
Accidents + Incidents  
and Any local Authority  
Visits to Council + Police.

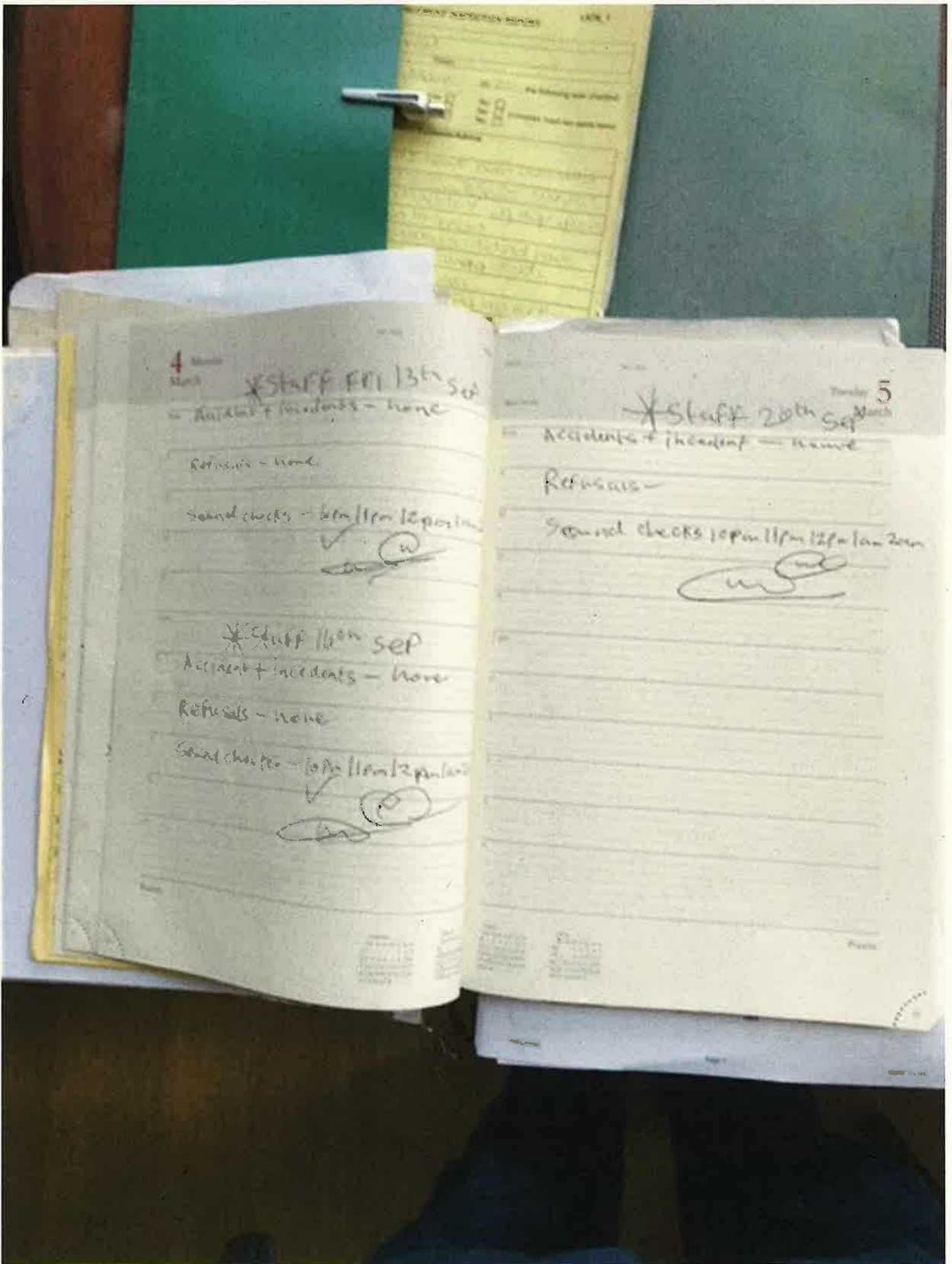


**Widdington Recycling Ltd**

The Sand Pit, Hollow Road,  
Widdington, Essex CB11 3SL

Tel: 01799 540022

[www.widdingtonrecycling.co.uk](http://www.widdingtonrecycling.co.uk)



4 March \*STUFF Fri 13th Sep

Accident + incidents - none

Refusals - none

Sound checks - [unclear]  
✓ (W)

\*STUFF Mon Sep  
Accident + incidents - none

Refusals - none

Sound checks - [unclear]  
✓ (W)

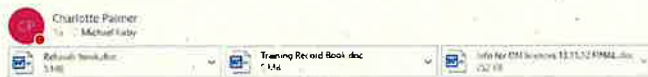
5 March \*STUFF 20th Sep

Accidents + incident - none

Refusals -

Sound checks [unclear]  
(W)

Hop Poles Public House



Reply Reply All Forward  
Tue 08/06/21 16:40

**From:** Charlotte Palmer  
**Sent:** 08 June 2021 16:40  
**To:** Michael Kirby <[REDACTED]>  
**Subject:** Hop Poles Public House

Dear Mr Kirby,

Thank you for the photos you sent me on 25<sup>th</sup> May 2021. Having looked at them it appears the documents do not go beyond 2019. I appreciate that the premises will have been closed on and off as the Covid Regulations changed but each time the premises did open you should have continued keeping these records. I am aware that officers have visited your premises several times since 2019 to carry out Covid inspections, licence inspections etc and these should all have been documented in the incident book. Staff training should have been carried out every six months in line with the conditions below will full training being provided to any new staff.

Please ensure that the required training has been carried out with all staff and send me further photos showing when the training was done.

Please also send me evidence that both a current refusals book and incident book are in place ready to use in line with your licence conditions as set out below.

If you are providing regulated entertainment and therefore employing door staff please send the door supervisor records to me also.

2. Full training shall be provided to all staff on commencement of employment relating to prevention of underage sales of alcohol, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk. Refresher training shall be provided at regular intervals - at least every 6 months. Records detailing the training provided shall be kept on the premises for a minimum of 12 months and be made available for production upon request by the Police and other officers of Responsible Authorities.

3. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. Records shall be kept at the premises for at least 12 months.

4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder

- (e) any faults in the CCTV system or searching equipment or scanning equipment
- (f) any visit by a relevant authority or emergency service

7. Where SIA registered door supervisors are used at the premises, a record must be kept of their name, SIA registration number and the dates and times when they are on duty. Records shall be kept at the premises for at least 12 months.

Training material and a refusals book are attached for you print and use.

Kind Regards

Charlotte Palmer  
Senior Licensing Enforcement Officer  
Environment & Operational Services  
Place Directorate, Enfield Council  
Silver Street, Enfield, EN1 3ES

E: [Charlotte.palmer@enfield.gov.uk](mailto:Charlotte.palmer@enfield.gov.uk)  
T: 0208 132 2004

Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)  
Protect the Environment – Think Before You Print.



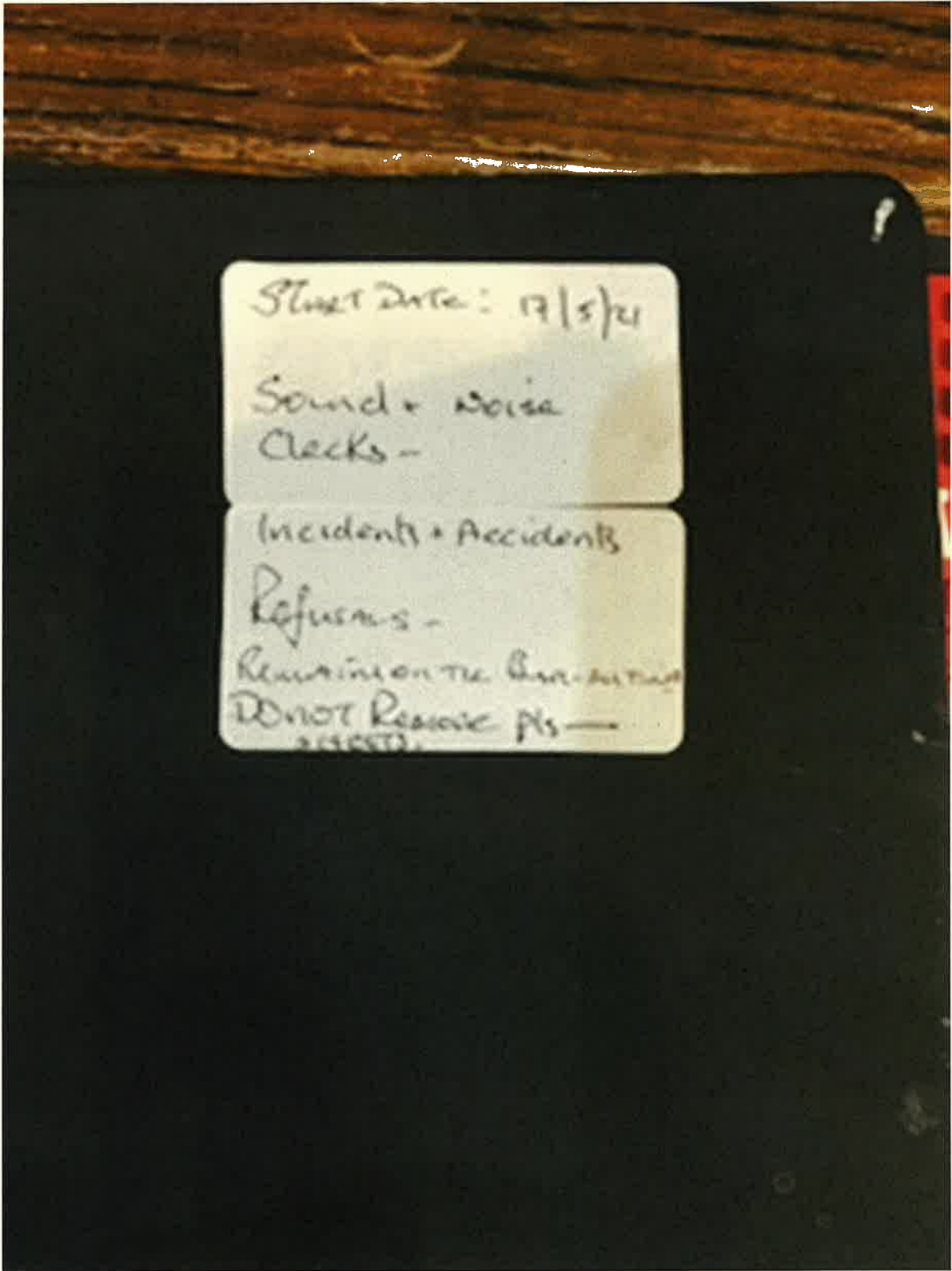
**We can help control the virus if we all **STAY ALERT****

- Stay at home as much as possible
- Work from home if you can
- Limit contact with other people
- Keep your distance if you go out (2 metres apart where possible)
- Wash your hands regularly

And if you or anyone in your household has symptoms, you all need to self-isolate.

**STAY ALERT • CONTROL THE VIRUS • SAVE LIVES**

"Enfield Council is committed to serving the whole Borough fairly, delivering excellent services and building strong communities".



Start Date: 17/5/21

Sound + noise  
checks -

Incidents + Accidents

Refusals -

Remains on the Bar -

DO NOT Remove Pts -

Inside Base Area

Mon: 11<sup>th</sup> May 2011

No Casualty Reported as no Entrenchment  
on Hill 21<sup>st</sup> June 2011.

News - South Korea

Base <sup>was</sup> still base 11m (hardy) - (P)  
No action: Manager

Refuels: None

Accident & Incident: None - (P)  
Manager

Tue 15<sup>th</sup> May 2011

Survival: N/A

News - South Korea. Hardly seen from base -  
no action.

Refuels: None

Accident & Incident: None - (P)  
Manager



Monday 7<sup>th</sup> June 2001 -

Security - N/A -

Noise + Sound checks - Heady - from 8pm - close  
Vms -

Incidents + Accidents - None

Refusals - None

Ⓟ  
M...  
7.0.01

Tue 8<sup>th</sup> June 2001 -

Security - N/A -

Noise + Sound checks - Heady from 8pm - close -

Incidents + Accidents -

Refusals -

## Representations Opposing the Review Application

### SUP1 Representation

I have been informed by the landlord John Kirby to write a personal statement in relation to the recent application from your council.

In relation to the Hop poles public house I can confirm that it is a centre of the community of Enfield. Throughout the pandemic I am aware that the pub has been aiding the ambulance service in training dhl crews. It is currently aiding the local Carlton house surgery in offering parking for the vaccine process. The space would of been vital to the pub to expand revenue.

In the time in between lockdowns it's covid security was second to non compared to other public houses. In the recent restrictions times.

In the approx 5 years I have been a regular patron of the pub. I have not seen any criminal activity . It pub pre and current pandemic times is a community pub made up of regular locals. Made up of a community of the elderly , the vunrable as well as general public.

It's has run several charity functions pre pandemic.

John is a friendly and approachable landlord and his staff are a credit to this. On more then one occasion when young people from school have been mugged or attacked it has acted as a safe space. When a local aggressive male from sheltered housing entered the pub and became violent John defused the situation so no harm was made to the pubs patrons or the male in question.

---

### SUP2 Representation

I've recently seen a notice from the council regarding the intention to discontinue the licence to the hop poles landlord.

I have been living in Enfield for over 20 years and can indeed remember the hop poles prior to the current landlord taking over. It wasn't the most desirable pub in Enfield as records would I'm sure show. There was constant trouble and disruption to the neighbourhood for many years .

Since John the current landlord took over this pub has completely transformed the neighbourhood and has become one of Enfield top pubs. Good people, good entertainment and a terrific atmosphere. A very welcoming pub to all where the staff and management are among the finest in town.

It would be an absolute shame to revoke his license as he has put so much hard work and effort into maki g this pub an integrate if the local area.

If this letter/email would assist in anyway with pleading John's case I would be very

grateful!

---

Our Ref: AX/ NJR/ Hop Poles London  
Email: andrew.cochrane@flintbishop.co.uk

Licensing Team  
London Borough of Enfield Council  
Civic Centre  
Silver Street  
Enfield  
EN1 3XH

CONTACT  
ANDREW COCHRANE

FAX NUMBER  
08701918678

DIRECT DIAL  
01332 226142

By email only on [licensing@enfield.gov.uk](mailto:licensing@enfield.gov.uk)

16 June 2021

Dear Sirs

**Hop Poles public house, 320 Baker Street, Enfield EN1 3LH**

We refer to the application for review which has been brought in respect of the above premises.

We act on behalf of Star Pubs & Bars Limited who are the “brewery” behind the Hop Poles. They are of course not the Premises Licence holder and nor are they responsible for the day to day management of the premises which is handled by the Premises Licence Holder and DPS.

We understand that the Premises Licence Holder and DPS will be separately represented in connection with this matter and doubtless will make their own submissions at the forthcoming review hearing.

Our understanding is that there have been incidents where people have been allowed inside the premises and have smoked inside the premises. We understand there may be mitigation for this and doubtless that will be advanced to the committee by the representative for the Premises Licence Holder and DPS at the hearing. Our clients clearly cannot and would not condone any breaches of legislation.

We understand however that the remedy sought is revocation of the



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**Flint Bishop LLP**

St. Michael's Court  
St. Michael's Lane  
Derby DE1 3HQ

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Premises Licence and we have to say that our clients find that to be draconian.

Our clients are not aware of any concerns around the operation of the premises prior to them being raised in this review, indeed a major variation was granted in 2019.

The last year has been one of extraordinary stress for the hospitality industry as a whole and whilst our clients cannot condone any breaches of legislation we hope that the context of the last year will act as some mitigation.

Our clients have not themselves experienced any difficulties with this tenant.

Our view is that there are other remedies available to the committee for example requiring the DPS to undertake further training (for example a Level 2 Award for Designated Premises Supervisors).

If the committee having heard all the evidence were so minded they could of course order the removal of the DPS.

We do however consider that outright revocation of the licence would be excessive. There are other steps which could promote the licensing objectives in this particular case.

We look forward to hearing from you with a date and time of the hearing.

Yours faithfully

A handwritten signature in black ink that reads "Flint Bishop." The signature is written in a cursive style. The word "Flint" is written above "Bishop", and there is a horizontal line underlining the word "Flint".

**Flint Bishop LLP**

# Annex 5

## Conditions Arising from the Application

### Annex 1 - Mandatory Conditions

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

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

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

**6. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises have closed to ensure the safe and quiet dispersal of patrons.**

**7. Where SIA registered door supervisors are used at the premises, a record must be kept of their name, SIA registration number and the dates and times when they are on duty. Records shall be kept at the premises for at least 12 months.**

**8. The CCTV system shall continually record whilst the premises is open for licensable activities and during all times when customers remain on the premises. Signs will be prominently displayed advising customers that they are being filmed on CCTV. The system will cover all entry and exit points, all of the licensed area and any external seating area. All recordings shall be stored for a minimum period of 28 days with date and time stamping. Viewing of recordings shall be made available upon the request of Police or authorised officer throughout the entire 28-day period.**

**9. A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open. This staff member must be able to provide a Police or authorised council officer copies of recent CCTV or data with the absolute minimum of delay when requested.**

**10. All external doors and windows shall be kept closed when regulated entertainment is taking place inside the premises, except in the event of an emergency and to permit access and egress.**

**11. When regulated entertainment is taking place, hourly boundary noise checks shall be conducted. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down. Records detailing the sound checks and any required action shall be maintained and retained on the premises for at least 12 months.**

**12. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers to respect the needs of local residents and leave the premises and area quietly.**

**13. The rear beer garden shall be closed at 23:00. An external area may be designated for the use of smokers from 23:00 until closing time. No alcoholic drinks or glass containers shall be permitted to be taken into the designated smoking area during this time. The designated area shall be adequately supervised so as not to cause a nuisance. Notices shall be displayed in the area requiring patrons to respect the needs of local residents and to use the area quietly.**

**14. Customers shall not be permitted to remove from the premises any drinks supplied by the premises in open containers unless to an external drinking area set aside for consumption.**

**15. Children under the age of 18 years must be accompanied by an adult over the age of 18 years at all times whilst on the premises and must be off**

the premises by 23:00 hours, unless attending a pre-booked private function.

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

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

17. On Friday and Saturday nights the last entry time shall be one hour before closing time, the only exception being for those customers who have gone to the designated smoking area to smoke.

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

19. The premises licence holder shall inform the Licensing Team, in writing, of their intention to use their extended hours, at least 7 days before any such event.

**CONDITIONS PROPOSED BY LICENSING AUTHORITY IF LICENCE NOT REVOKED, NOT AGREED BY LICENCE HOLDER:**

20. Curtains or other forms of window coverings shall not be used to block sight access into the premises.



**MUNICIPAL YEAR 2021/22 REPORT NO.**

**COMMITTEE:**  
Licensing Sub-Committee  
7 July 2021

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

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

**SUPPLEMENTARY REPORT**

- 1.1 The Police have provided additional information to further support their review application, namely officer statements and photos. This is produced in Annex 6.

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

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

**RESTRICTED (when completed)**

**WITNESS STATEMENT**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.70)

**Statement of** Paula Wolohan..... URN: 

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Age if under 18    Over 18 .....    (if over 18 insert 'over 18')    Occupation:    Police Officer .....

This statement (consisting of: ....**2**.... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: .....    Date: .....

Tick if witness evidence is visually recorded  (supply witness details on rear)

On Saturday 17<sup>th</sup> April 2021 I was on duty in plain clothes visiting licensed premises as part of a joint operation with London Borough of Enfield council. I was in company of two others, PC Hedger and PC Molla. We had planned to visit as many licensed premises on borough due to easing of Covid restrictions on 12<sup>th</sup> April 2021, which allowed for patrons to attend a pub and have a drink in their outdoor area. No alcohol consumption was allowed indoors and service was all table service.

At approx. 2045 we, together with two representatives from the council attended the Hop Poles public house, Baker Street, Enfield, EN1. We parked up in the car park and could see from there that there no people in the outdoor space to the rear of the pub, although some outdoor lights were on.

I began to walk around the front of the pub and could see there were lights on inside. I walked up to the main door and could hear lots of noise coming from inside, people laughing and talking. The doors were covered with posters and the side panels on the doors were covered with what appeared to be black sacks. I looked through a gap and could see a male behind the bar. I walked around to the other side of the pub and could see through the top window panels that there were televisions on inside the premises. I could also hear voices and laughing coming from this side of the pub. It was clear that there were people inside the premises. I walked around to where I had a better of view of the garden area. Just as I got to the side of the pub I saw a delivery person go to the back gate. This was opened by a female. I identified myself as police officer, stating that we at the premises to conduct a licensing visit. She let us in where we went to the back door of the property. This was locked so she knocked on the door. This was opened by a male and again I identified myself and stated the purpose of our visit. He let us in to the property. I asked if he was the owner and he said no. I walked into the lounge area where immediately I saw people sitting opposite the bar area. I heard someone say 'it's police'. I identified myself as a police officer to those present. I could see that the table these people were sitting at had pints and glasses of alcohol on them. I was also aware of the very strong smell of cigarette smoke. I walked around to the other part of the pub where more people were sitting at tables with glass of alcohol in front of them. There were ashtrays of

Signature: .....    Signature witnessed by: .....

Continuation of Statement of .....

cigarette butts on the table and with the strong smell of cigarette smoke in the air it was clear that smoking was taking place on the premises. I approached the table and said to all ‘why are you here, you know you’re not supposed to be here’. One woman replied that it was up to landlord and he had let them in. I walked to the table towards the rear of the pub where there four men and a woman. All of them were drinking alcohol and initially oblivious to my presence. I identified myself as a police officer. The lady, who was drinking a glass of wine, kept asking me who I was and why I was there. I answered her but it was quite clear to me she was drunk and was not listening to what I was saying. All the persons present at the table were drunk. I walked over to PC Hedger and PC Molla and advised them to take details of all the persons present before they left. We began to do this. There were 17 persons present. I could clearly see from the inside the the windows by the side of the doors were covered with black sacks. I saw colleagues from the council speaking with a male sitting at one of the tables. I subsequently found out that he was the landlord Michael Kirby. I continued around the pub, noting the various glasses of alcohol on tables. Once everyone’s details were taken we began to get the people to leave. The lady I had spoken with who was drunk, yet again asked me why I was there. I tried to explain to her stating that they should not be in the pub and she stated that it was cold outside and the landlord had let them in. Once everyone began to leave I went to speak with Michael Kirby. He was sitting at a table with a half drunk pint of lager in front of him. His eyes were glazed over and as he began speaking his speech was slurred. He was drunk. I introduced myself and asked him why he had let the people in when he knew he shouldn’t. He stated he knew this but one of them had lost a family member during the week and had been to the funeral and he was just trying to be nice. I advised him he was not allowed to have anyone in the premises and he replied “it is what it is”. The licensing officers from the council took photographs and once this was done we left he premises.

Signature: ..... Signature witnessed by: .....

RESTRICTED (when complete)

MG11

**STATEMENT OF WITNESS***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Lewis Hedger

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 21 Apr 2021

I am PC Lewis HEDGER 1132NA attached to Edmonton Police Station, This statement refers to when I attended the Hop Poles PH, EN1 for a licensing visit.

On Saturday 17 April 2021, I was on duty full uniform and the operator of an unmarked Police vehicle driven by PC MOLLA 1679NA along with the NA licensing supervisor PS WOLOHAN 386NA. The purpose of this duty was to attend local businesses specifically restaurants and Public Houses alongside the Enfield council licensing team to ensure that the current Covid-19 regulations are being adhered to.

At approximately 20:40 hours I attended The Hop Poles PH to carry out one of these visits, on arrival, the pub appeared to be closed. The garden drinking area was empty and in darkness and all of the main street facing windows had been covered over with what looked like sheets and signs.

On closer inspection, both my colleagues and I were able to look through a small gap in one of the doors and could see people inside sitting at the tables drinking and it was at this point we suspected the pub was having what I would describe as a lock in. A lock in being that the pub is closed, yet still operating and serving alcohol to the public from within. I knocked several times at the front door to see if anyone would present themselves to the door and explain what was going on, although I knocked several times no one answered the door. PS WOLOHAN and PC MOLLA then went to the rear entrance of the pub to see if access could be gained and I covered the public access doors with one of the Council officers to the front of the premises in case anyone tried to leave. Access was successfully gained to the premises as I had seen my colleagues through the gap in door now inside, seeing that they had secured the premises and persons within I then went to the back so I could assist them.

As I entered the Premises through the rear service door into the main area of the pub there was customers sat at the tables drinking and staff members behind the bar serving alcohol. The premises smelt strongly of cigarette smoke and I could see what I would describe as a cloud of smoke in the air, there was also ashtrays on the table with extinguished cigarette ends in. It was explained to everybody there at that time that the pub should not be operating in this manner or seating members of the public within the premises due to the current Covid-19 regulations. I then went to several of the customers individually and engaged with them about what was going on, taking their names and contact details. Once all details of the customers had been obtained by my colleagues and I, we encouraged all of the customers to leave. They were very apologetic and forthcoming with their details, leaving as soon as it was asked of them. Whilst this was happening the council officers liaised with the Lease holder directly as he was sat in the pub at the time. Once all of the customers had been successfully removed from the premises, I then left along with my colleagues and the council officers.

This was captured on my BWV camera, this footage I exhibit as LPH/01.

Signature:



Signature Witnessed by:

RESTRICTED (when complete)

RESTRICTED (when complete)

MG11

**STATEMENT OF WITNESS***(Criminal Procedure Rules, r. 16.2; Criminal Justice Act 1967, s. 9)*

URN

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Statement of: Constable Fikret Molla

Age if under 18: Over 18

Occupation: Police officer

This statement is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it, anything which I know to be false, or do not believe to be true.

Signature:



Date: 22 Apr 2021

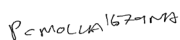
This statement refers to when I attended HOP POLES PUB on BAKER STREET EN1 for a licensing visit.

On SATURDAY the 17th APRIL 2021, I was on duty in plain clothes and was the driver on an unmarked police vehicle. My operator was 1132NA PC HEDGER, and also with us in the vehicle was our licensing supervisor 386NA PS WOLOHAN. we had been assigned to assist the council in visiting local businesses in the ENFIELD area in order to confirm that they had been adhering to the COVID 19 regulations. following us in another vehicle was the council licensing team which consisted of two people.

At approximately 2040hrs, we attended HOP POLES PUB located on BAKER STREET EN1. initially this location seemed to be vacant. the garden area could be viewed from over the fence and was empty. I waited at this end of the grounds whilst my colleagues went around the front area of the pub facing the road to check the other entry points. I was informed by PS WOLOHAN that there was people inside and it was a lock in. this term is used to describe an area which looks as though it is closed from the outside but is running and serving from the inside not in plain view. shortly after a delivery driver arrived and used the garden entrance to gain entry to the kitchen. I asked to speak to the manager and was shown the way into the premises by this delivery driver. when I entered the property I could see people inside at the tables drinking alcohol and were smoking cigarettes. the inside of the property was also filled with a white cloud of what smelt to me like cigarette smoke. I then proceeded to engaging with the members of public and explaining to them that what they had been doing was not adhering to the guidelines of covid 19. I then collected the details of all people inside the pub and encouraged them to leave the pub immediately which they did. there were no issues in taking the details of the members of public inside the pub and they also left the property when they were asked to do so. whilst I was doing this, the council officers were talking to the owner of the pub and filling out paperwork with him. when the pub was empty and all paperwork filled out, I left with my colleagues along with the council workers following shortly after.

there is footage on my body worn video camera which shows the above. I exhibit this as FIM/1.

Signature:



Signature Witnessed by:

RESTRICTED (when complete)

### WITNESS STATEMENT

**Criminal Procedure Rules, r 27. 2; Criminal Justice Act 1967, s. 9; Magistrates' Courts Act 1980, s.5B**

URN

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Statement of: Louise King p221304

Age if under 18: Over 18 (if over 18 insert 'over 18') Occupation: Police Officer

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false, or do not believe to be true.

Witness Signature: *Louise King PS31NA* Date: 30/05/2021

On 26<sup>th</sup> April 2021 I was on duty in full uniform in Edmonton Police Station. At midday I met with Mr Michael KIRBY, Designated Premises Supervisor from the Hop Poles Public House. He had been asked to attend to drop off CCTV from Saturday 17<sup>th</sup> April 2021. On that date, a number of people were found drinking inside the Hop Poles in breach of the Coronavirus restrictions at that time.

When Mr KIRBY attended I met him in the station office and asked if he had anything to say in relation to what happened. He told me that he had let people in because it was cold and they were waiting for taxis. He did not provide any further explanation as to what happened. I did tell him that the licence was likely to be reviewed and he said "It's my livelihood." He passed me the CCTV on a USB and on the same day I viewed it in the VIIDO (Visual Images Identification and Detections Office) unit. The footage supplied only goes back to around 20:00 hours despite footage from 19:00 hours being requested (timestamp shows 1900 hours but not adjusted for BST). A number of stills were produced showing several patrons sitting relaxing in the bar.

The whole meeting took less than ten minutes and there were no other people present.

*Louise King PS31NA*

Witness Signature: ...Louise King PS 316NA

Signature Witnessed by Signature:.....













CH 14



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08:00:10 PM 17-04-2021



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## LICENSING SUB-COMMITTEE - 10.3.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 10 MARCH 2021**

**COUNCILLORS**

**PRESENT** (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Maria Alexandrou

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Dina Boodhun (Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

**Also Attending:** Mark Walsh and Eimear Walsh, Celtic Cross Ltd (Applicant) George Domleo, Flint Bishop Solicitors, on behalf of the applicant  
Interested Parties (referred to as IP1, IP3, IP5, IP6, IP8, IP14 and IP17) on behalf of local residents objecting  
Councillor Derek Levy, Southgate Ward Councillor (SUP02)

**1****WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. Officers, applicants and representative, and IP 1, 3, 5, 6, 8, 14 and 17 and SUP02 confirmed their presence. The Chair explained the order of the meeting.

**2****DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of the item on the agenda.

**3****THE WINCHMORE PUBLIC HOUSE, 235 WINCHMORE HILL ROAD, LONDON N21 1QA**

RECEIVED the application made by Celtic Cross Limited for the premises situated at The Winchmore, Public House, 235 Winchmore Hill Road, London, N21 1QA for a Variation of Premises Licence LN/201500123.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:

**LICENSING SUB-COMMITTEE - 10.3.2021**

- a. The application was for a variation of premises licence LN/201500123, made by Celtic Cross Limited for the premises The Winchmore, 235 Winchmore Hill Road, London N21 1QA.
  - b. This premises had been operated as a bar / pub / restaurant / function room for a number of years. It had a significant licensing history, but under former licence holders. There had not been licensing issues under the current licence holder, who had been in place since June 2015. The Designated Premises Supervisor (DPS) remained the same: Mark Walsh. The Company Directors were Mark Walsh and his sister Eimear Walsh.
  - c. The original application in Annex 2 of the report had recently been amended as the applicants had tried to address the representations. The first supplementary report set out the hours applied for in Table 2. These times and activities were to be referred to in this hearing. The application sought a one hour extension for live and recorded music on Friday and Saturday, and an extension of hours on Sundays that preceded all Bank Holiday Mondays.
  - d. The original application had initially been subject to representations from the Metropolitan Police and from the Licensing Authority, both seeking modification of licence conditions. Those conditions had been agreed by the applicant and the representations were consequently withdrawn. The agreed proposed conditions were set out in Annex 5 of the report.
  - e. The application attracted 19 representations in objection from local residents (set out in Annex 3 of the report), and 2 representations in support from a ward councillor and a local resident (set out in Annex 4).
  - f. Since IP13 had withdrawn their representation following the amendments to the application this objection should no longer be considered. The other 18 representations in objection remained. These residents lived on Winchmore Hill Road, Houndsden Road, and Church Hill.
  - g. It was for the Licensing Sub Committee (LSC) to consider whether the application supported the four licensing objectives.
  - h. The applicant was represented by Flint Bishop Solicitors and both company directors.
  - i. Apologies had been received from IP4. Notification had been received from most of the IPs that their representations remained to the amended application, but even without such notification the LSC must consider those original representations.
  - j. Councillor Derek Levy (ward councillor) was in attendance as SUP02 in support of the application.
  - k. It was confirmed that not living locally did not prevent submission of a representation of support.
2. The statement of George Domleo, Solicitor, on behalf of the applicant, including:



**LICENSING SUB-COMMITTEE - 10.3.2021**

- a. It was acknowledged this premises had a background history, but his client had been the premises licence holder and DPS since 03/06/15.
- b. The premises was a community pub with an extensive food and drink offering. Time and money had been invested to make it a success and an asset to the area. It hosted a regular book club and supported the Rotary Club of Edmonton.
- c. Conditions requested by the Licensing Authority and the Police were agreed and their representations were subsequently withdrawn so there were now no representations from Responsible Authorities.
- d. There were representations from local residents. A number referenced car parking and allegations that customers parked in surrounding roads. This was not a material consideration under the Licensing Act. There were also references to customers gathering in numbers outside, with photos and video footage from June 2020. This was when the premises offered take away service during Covid restrictions. During those times, the premises was working within government guidelines, but the situation was new to everyone. Staff were continually going outside the premises to clear up. The premises was busy selling take away pints and there was a different clientele. It was likely those customers would not return and the premises would go back to normal use. That had been a different period and was very much an isolated occasion last summer. It was likely that Responsible Authorities would have made representation if they considered there would be similar issues in future.
- e. Having heard residents' concerns, the application was subsequently amended to affect Sunday hours only on days before a Bank Holiday Monday. This would provide more flexibility to the premises. Many pubs similarly operated an extra hour on those dates. One resident had subsequently withdrawn their representation, and IP10 no longer objected to these Sunday extensions.
- f. The application was not seeking to trade longer or stay open later on Fridays and Saturdays.
- g. The current licence conditions would be replaced by the agreed set of conditions set out in Annex 5 of the report.
- h. Additional information to support the application set out over pages 25 to 30 was highlighted, with many supportive comments and donations showing the pub was an integral part of the local community.
- i. There were two formal representations of support for the application, including from the ward councillor. It was a great tribute to Mark and Eimear Walsh and all they had achieved as licence holders. The premises had a chequered past, but since 2015 there had been no issues. It was evident that since the latest licence holders took over they had created a community hub for everyone to enjoy and which supported the licensing objectives.
- j. There would be no change of concept of the premises. It would continue to trade for the local community. There would be great food and beverage offering, giving a home from home experience. Work with charities would continue.

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k. In the case of any noise issues, there were powers available including licence reviews and abatement notices.

l. The LSC should support the business's right to operate. In the current circumstances this was more critical than ever. The premises promoted the licensing objectives and the licence holders knew what they were doing. This was a sensible proposal and the premises should be allowed to flourish.

m. Eimear Walsh confirmed that she backed everything in the solicitor's statement. She and Mark acknowledged there were residents close by and made themselves available all the time for the residents, with mobile numbers provided to enable them to make contact. They were trying to take actions to prevent the business going under, and were working with the Council and within the licensing objectives.

3. The applicants and representative responded to questions as follows:

a. In response to Councillor Alexandrou's queries regarding how potential nuisance from customers and from music would be controlled, the agreed conditions were referenced including keeping external doors and windows closed during regulated entertainment, and making regular boundary noise checks and keeping records. It was advised that neighbours could contact the licence holders and that any issues would be addressed straight away.

b. In response to Councillor Hamilton's query regarding customers drinking outside in the street and causing nuisance, it was advised that the photos and video were from the time when the premises was closed but able to trade in take away beer last summer. There was no evidence of similar issues before lockdown. Those were not normal circumstances. The premises did not have security staff on the door because there was no trouble. There was no condition on the licence requiring door staff. This was a community pub which was family friendly. The staff asked customers to respect the neighbours. The premises wanted local residents to come in, and it worked well with the local community.

c. In response to queries from the Chair, it was confirmed there was no requirement to keep an incident log within the existing licence conditions. If there had been incidents, action would have been taken. They were not aware of any incidents however, and if there had been any issues the Police would have made representation in respect of this application. Mark Walsh confirmed they had never had trouble on this site.

d. IP5 queried the statement there had never been incidents at the premises, highlighting the photos taken last summer and that lots of local residents had been afraid to leave their homes. They wanted no repeat of this, and feared that similar customers may be attracted to the pub.

e. IP14 asked in respect of offering later music and likely parties in the function room, whether the staff would be able to police multiple amounts of customers and everyone leaving at the same time late at night. It was confirmed that the pub had a policy in place in respect of people leaving, and that opening times would remain the same regardless of the music

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played. People would be leaving at the same times as they had for the previous six years. The staff were able to control this. There was already a condition for a dispersal policy. It was advised that this policy included the requirement for signage asking people to respect neighbours and leave quietly, that taxis be asked to pull into the car park, that staff patrolled outside areas and moved people on, and that the gate was locked once everyone had left.

f. In response to IP17, confirmation was given that the DPS understood their responsibilities and the potential problems that came with selling alcohol, and also their responsibilities under the licensing objectives.

g. In response to IP17's queries regarding the aims of the variation and the business plan, it was advised that nothing had changed in the business plan. They wanted to add value to the community, and to give customers a good experience and a good product range. Approval of the variation would provide an increased degree of flexibility for the business. In response to a further query whether the reason for the application was to increase profit, it was advised that it would add value, but the business was not making profit and was in debt.

h. In response to IP17's query whether approval of the variation would likely attract a younger client base and increased anti-social behaviour, this was advised as not the case.

i. IP17 asked whether the evidence within the representations was disputed. It was clarified by the applicant that they were putting their case forward and believed that the premises promoted the licensing objectives, and it was for all parties to put their case and for the LSC to make a decision.

j. The Chair gave a reminder in respect of confining questions to material licensing considerations, and a recommendation to summarise all remaining questions together if possible.

k. In response to IP17's query in respect of Enfield's public space protection order designation, it was confirmed that this was covered under Condition 18 of the licence.

l. In response to IP1's queries in respect of the outside space, it was clarified that they could not make more space outside, but wanted the extra hour applied for. There was no change proposed to the business concept outside, and the premises would continue to trade as before.

m. IP1 queried statements that there had been no incidents or issues raised, being aware of multiple emails from residents to the Council's noise team in respect of music volume, and occasions when the Police had been called out. It was advised that there was not evidence in the agenda pack, that the applicants were not aware of those emails, and that the Police had not submitted an objection. The Chair confirmed that all the written representations in objection to the application would be taken into consideration.

4. The statement of IP14 on behalf of the local residents making representation, including:

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- a. There were good reasons why this application should not be permitted.
- b. There had been concerns about the volume of music at the premises over a number of years. The building was not sound-proofed. The noise could be clearly heard within 100 yards of the pub.
- c. Local residents were entitled to a decent night's sleep. If they were unable to sleep before midnight that would be unfair. An extra hour of music would be problematic and cause a lot of distress. There were a lot of families and young children living close to the premises who would be affected.
- d. This area was generally quiet after 7:00pm, which meant that loud music could be noticed more clearly.
- e. It was considered the application was not properly advertised. A lot of local residents were not aware of the proposal. The sign was in the window of a closed pub during a time people were asked to stay at home. The applicants should have approached the local residents directly, and acted on their concerns. At a time when everyone was suffering in the pandemic, this left a bad taste and atmosphere of mistrust.
- f. Last year's anti-social behaviour could not be ignored. It went on for two months. The extended music applied for would act as an extra attraction to this clientele.
- g. All activities would finish at the same time. It was not considered there was an adequate dispersal policy in place to cope with the customers. The local residents had suffered verbal abuse from people leaving late at night from the pub and people affected by alcohol. The proposals would lead to a bottleneck with people leaving the pub at the same time around 1:00am.
- h. The issues were emotive. If this was a local pub it had to act for the community. These proposals were a step too far. Residents asked that they were listened to and that music was not permitted past 11:00pm.
- i. IP17 added that it was considered this application was based purely on financial considerations. If granted, it would change the client base to become a young persons' drinking and music establishment as opposed to a community pub. The operators had not demonstrated an ability to control matters.

5. The IPs responded to questions as follows:

- a. Councillor Alexandrou asked about when local residents had contacted the licence holders; if dialogue had been effective and that action been taken in response. IP14 confirmed that the contact they had was on the basis that the residents were listened to and there would not be any application for a late licence. There had been meetings in the pub where residents expressed that late night music would be disturbing. The residents understood the financial difficulties, but felt that this extension of music would have a terrible effect on them. IP1 advised that they had made calls to the pub when disturbed by music, but had never spoken to Mark or Eimear Walsh who had never been there at the time. Staff had always been friendly and given assurances that the music would soon be

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finishing. They had been able to bear the music until 11:00pm, but an extra hour of noise disturbance would make a big difference.

b. Councillor Levy highlighted additional steps to be taken by the applicant to promote the licensing objectives and asked if they were considered appropriate and proportionate, and whether specific additional conditions were sought. It was confirmed by IPs that neighbouring residents objected to any music beyond 11:00pm as intolerable, and that the premises' attraction as a party venue would increase, and large numbers of people would be leaving at the same time. The music could be heard from outside the premises as there was no sound-proofing and the noise escaped when customers used the door. The pub already had issues with noise and an extra hour of music would be a nuisance to local people.

c. In response to Councillor Levy's query whether local residents had applied for the licence to be reviewed, it was advised that the noise had been an ongoing issue for residents for a number of years but they had not known about the review process and had lived with the disturbance. However, they may apply for a review having now realised it was a possibility.

6. The statement in support from Councillor Derek Levy, SUP02 (Southgate Ward Councillor) including:

a. He recognised this was an emotive issue, but was clear in his support for this application.

b. It was the LSC's remit to consider whether the application demonstrated sufficient steps to promote the licensing objectives.

c. There was nothing in the agenda pack to evidence a history of noise issues.

d. The applicant was aware of their responsibilities and had operated the licence in an exemplary way.

e. He heard what was said by objectors, but much was conjecture and speculation.

f. The premises had a history of problems when it was The Willow, but for the past six years had been under this management and there had not been any application to review their licence. There was no compelling evidence against the licence holders and their steps to operate and manage the licence.

g. In respect of a licensing application, it was incumbent on the applicant to show they were taking all steps of mitigation. This was a minor variation in a popular community-oriented pub. It was for the LSC to consider if the steps were appropriate and if the conditions were strong enough to prevent potential worst excesses. Now the residents knew they were in a position to call a review of the licence, but today's hearing was to consider this variation and most of the evidence was very general and not of sufficient weight to challenge what was sought.

h. In his view, Mark and Eimear Walsh were the epitome of responsible licence holders and the application should be granted in full.

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7. Councillor Levy responded to questions as follows:

a. In response to Councillor Alexandrou's query whether the other ward councillors for Southgate supported this application, Councillor Levy advised that he had been contacted by one fellow ward councillor who had initial reservations. Councillor Levy had shared his views and explained his knowledge of licensing and of this premises, and this had allayed the concerns and no objections were raised.

b. In response to further queries whether as a ward councillor for Southgate, Councillor Levy had received any objections against this premises, he confirmed he had never had any objections to do with this premises before reading the bundle in this hearing agenda. Also, as previous Chair of Licensing Committee he never received anything from residents around The Winchmore.

c. In response to IP14's query that he had disputed that local residents could hear music from the pub, Councillor Levy advised that he was not in a position to dispute that and he had just made the point that he had never received any representations from residents until today. Also, Responsible Authorities had not brought any evidence that they had sufficient concerns.

d. In response to further queries regarding now having heard how the nuisance would be exacerbated after 11:00pm, Councillor Levy advised that he had highlighted there were additional conditions on the licence being proposed and these were agreed with the Responsible Authorities. It was incumbent on the licence holder to take preventative actions. There were reasonable steps being taken to minimise the risks. No one had objected to the proposed conditions.

e. In response to IP1's queries why objections had been labelled as based on presumption when long term residents had made numerous complaints to the Council's noise team, Councillor Levy referred to the balance of evidence and that the applicant had put forward steps they would take to promote the licensing objectives. He was fully satisfied the measures were appropriate and proportionate. It added weight that the Responsible Authorities had not provided evidence or concerns that the application should not be granted.

f. In response to further queries that objections were based on past experience that the licence holders could not control noise up to 11:00pm and could not therefore be expected to be controlled up to 00:00am, Councillor Levy considered the licence holders had taken reasonable steps in the application, as they had in the past, and that there was a lack of evidence from the past.

g. A question on the consultation process was directed to the Principal Licensing Officer. It was clarified that the Licensing Act dictated how an application was advertised. It required a blue notice on the front of the premises displayed for 28 consecutive days and an advertisement in a local newspaper. There had been no amendments to the regime. The Licensing Team was satisfied that the criteria were met in this case. It was also confirmed that ward councillors were copied in to all licensing applications in their ward.

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8. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.
9. The summary statement from the IPs that they were wholly against this variation application in a quiet local area. They believed the pub's atmosphere would become more like a nightclub and local residents would be made to suffer on Friday and Saturday until 01:00am. Nothing at the hearing had changed their view that the licence holders would not be able to control the situation at the pub. The residents' rights to a family life and peaceful enjoyment of their properties would be undermined. Long-time residents were clear that noise was an obvious issue. The premises had no sound-proofing and there was no commitment to put any in. What happened after closing time was also an issue as customers created disturbance well after then and this would be extended at weekends.
10. The summary statement of Councillor Levy that the applicant had taken reasonable steps in promotion of the licensing objectives. The evidence was that this premises was a community pub, and there was nothing to suggest it would be like a nightclub. He believed the case in favour had been fully made out and he supported the application in full.
11. The summary statement on behalf of the applicant that it was acknowledged this was an emotive topic. An additional condition was offered that a telephone number for the DPS or manager of the premises be given to any resident on request to allow complaints to be made directly when the premises was open, and a record would be kept of calls and action taken, and this would be made available to the responsible authorities. However, this was not an application for a late licence and there would be no change in concept or clientele at the pub, but the variation would give them more flexibility. There was no record of nuisance. Last summer had been an unprecedented time. That two month period should not determine this decision. Mark and Eimear Walsh were good operators and all the conditions showed they would continue to promote the licensing objectives. They wanted a positive relationship with local residents and there should be no issues, but objectors did have powers to take action. Eimear Walsh added that she had sent emails to the residents she knew and that she tried to run the business with both her head and her heart. The extra hour for music would help the business slightly but would not change the customer clientele. She did not want the pub to change, and she would continue to work with the local community.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting

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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 Chair made the following statement:

“The Licensing Sub-committee has attentively listened to and considered the written and oral representations made by the applicant, the applicant’s representative and the local residents, IP1 to IP19 (except IP13) and those in support of the application, SUP01 and SUP02 (Cllr Derek Levy councillor for the ward). The Licensing Sub-Committee has made a decision:  
To grant the application for the licence variation in part, with the below conditions and amended times.

The Licensing Sub-Committee has also taken into account statutory guidance and the Enfield Licensing Policy Statement in making its decision to amend the hours set out in the application in particular paragraphs 8.4 and 12 Special Factors for Consideration and it has made its decision to promote the four licensing objectives 1) Prevention of crime and disorder 2) Public Safety 3) Prevention of Nuisance and 4) the Protection of children from harm. The Licensing Sub-Committee has welcomed and acknowledged that the applicant has agreed to a number of conditions to mitigate issues moving forward.”

3. The Licensing Sub-Committee resolved that the application be **GRANTED IN PART.**

(i) Licensing Hours and Activities:

Opening hours	Sunday to Thursday 09:00 to 23:30 Friday & Saturday 09:00 to 00:30 NO SEASONAL VARIATION
Supply of alcohol (on and off)	Sunday to Thursday 10:00 to 23:00 Friday and Saturday 10:00 to 00:00 NO SEASONAL VARIATION
Plays (indoors)	Friday & Saturday 09:00 to 00:00 (no change)
Live Music (indoors)	Sunday to Thursday 09:00 to 23:00 Friday & Saturday 09:00 to 23:30 NO SEASONAL VARIATION
Recorded Music (indoors)	Sunday to Thursday 09:00 to 23:00



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Friday & Saturday 09:00 to 23:30  
NO SEASONAL VARIATION

(ii) Conditions (in accordance with Annex 5):

Conditions 1 to 18

**4**

**MINUTES OF PREVIOUS MEETINGS**

**AGREED** the minutes of the meetings held on Wednesday 14 October and Wednesday 21 October 2020 as a correct record.

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LICENSING SUB-COMMITTEE - 19.5.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE  
HELD ON WEDNESDAY, 19 MAY 2021**

**COUNCILLORS**

**PRESENT** (Chair) Mahmut Aksanoglu, Christine Hamilton (Deputy Mayor) and Derek Levy

**ABSENT**

**OFFICERS:** Ellie Green (Principal Licensing Officer), Catriona McFarlane (Legal Adviser), Jane Creer and Metin Halil (Democratic Services)

**Also Attending:** Gavin Tresidder, Director of Future Leisure Ltd (Applicant) Andrew Woods of Andrew's Law firm, on behalf of the applicant  
Interested Parties (referred to as IP1, IP4 and IP5) on behalf of local residents objecting  
Councillor Doug Taylor (Observing).

**1  
WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Aksanoglu as Chair welcomed all attendees to the meeting, which was being broadcast live online. Sub-committee members confirmed their presence and that they were able to hear and see the proceedings. Officers, applicants and representative, and IP 1, 4 and 5 confirmed their presence. The Chair explained the order of the meeting.

Councillor Doug Taylor was also attending the hearing as an observer.

**2  
DECLARATION OF INTERESTS**

NOTED there were no declarations of interest in respect of the item on the agenda.

**3  
FUTURE LEISURE LIMITED, 8 SOUTHBURY ROAD, ENFIELD EN1 1YT**

RECEIVED the application made by Future Leisure Limited for the premises situated at 8 Southbury Road, Enfield, EN1 1YT for a Premises Licence.

NOTED

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1. The introduction by Ellie Green, Principal Licensing Officer, including:
  - a. The application was for a new Adult Gaming Centre premises licence by Future Leisure Limited for the premises at 8 Southbury Road, EN1 1YT.
  - b. The premises were formerly a William Hill which held a betting premises licence from 16 January 2013 until it was surrendered on the 29 September 2019. This William Hill licence was not subject to any review or licensing prosecution action.
  - c. Adult Gaming Centres are known as AGC's and are premises for adults providing gaming machines with higher pay-outs than family entertainment centres, for example.
  - d. Persons operating an AGC must hold a gaming machines General Operating License issued by the Gambling Commission along with a Premises Licence issued by the Local Licensing authority. Premises obtaining such authorisations will be able to provide category B, C and D gaming machines for use by customers as follows:
    - The number of category B machines must not exceed 20% of the total gaming machines as useable for use on the premises.
    - There can be any number of category C or D machines.
    - Category B machines can be classified as B or 3. B3 machines have a maximum stake of £2.00 and a maximum prize of £500.
    - B4 machines have a maximum stake of £2.00 and a maximum prize of £400.00.
    - Category C machines have a maximum stake of £1.00 and a maximum prize of £100.00.
    - Category D machines have a maximum stake 10p and a maximum prize of £5.00.
    - No person under the age of 18 is permitted to enter an AGC.
  - e. The default position of an AGC premises licence is that gaming machines can be made available 24 hours a day. However, as a result of mediation between the Local Authority and the applicant, a condition has been agreed that the premises shall only be open between the hours of 8:00am to midnight – Monday to Saturday and 9:00am to 11:00pm – Sundays & Bank Holidays. No gambling facilities on Christmas day.
  - f. In addition to the agreed condition, further conditions have also been agreed between the applicant following representations from the Local Authority and the Metropolitan Police.
  - g. AGC premises licences do attract mandatory conditions and full details of these can be seen at Annex 5 (page 213) of the report. There are no outstanding representations from any of the responsible authorities.
  - h. This application received 7 representations from interested parties (IP), including Councillors, the local Business and Residents Associations, a local business and a local resident. Interested parties believe the application does not support the licensing objectives. Those representations can be seen at Annex 3 from page 53 of the report and also additional information provided by Councillor Rye, IP2, in Annex 4 from page 61 of the report.

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i. The hearing today is for the Licensing Sub-Committee (LSC) to determine whether the application supports the licensing objectives. Future Leisure Ltd is represented by Andrew Woods of Andrew's Law firm, accompanied by Gavin Tresidder, a Director of Future Leisure Ltd.

j. Interested Parties present were Councillor Nesil Caliskan (IP1), Mark Rudling (Enfield Town Business Association – IP4) and Enfield Town Residents Association – IP5.

Councillor Michael Rye (IP2) has sent some questions which Ellie Green will read out on his behalf.

k. The licensing objectives and the Gambling Act are:

- Preventing gambling from being a source of crime or disorder, being associated with crime and disorder or being used to support crime.
- Enduring that gambling is conducted in a fair and open way, protecting children and other vulnerable persons being harmed or exploited by gambling as set out on page 3 of the report.

l. In response to Councillor Levy's question about the Gambling Act and what weight the panel should give or not to cumulative impact referenced in the Act, Ellie Green (Principal Licensing Officer) said that this was not a consideration under the Gambling Act nor was it a stated in the authorities principal policy statement. The number of betting shops of community impact was not a consideration.

2. The statement of Andrew Woods, Solicitor, on behalf of the applicant, including:

- a. The applicant is Future Leisure Ltd and is an independent operator of Adult Gaming Centres' (AGC). It is owned and has been run by Gavin Tresidder as a family business for 30 years.
- b. The site was a former betting shop run by William Hill that had held a Gambling Act 2005 premises licence as a betting shop. The applicant is applying for a premises licence for an Adult Gaming Centre.
- c. There had not been any review applications brought against these premises previously under the Gambling Act and there was no reference or evidence to any issues connected to this site and its use as a Gambling Act Premises Licence.
- d. An AGC is a lawful use permitted under the Gambling Act and permitted under Enfield's Licensing Policy.
- e. These premises do not permit children: there are strict rules on no under 18's in the premises, in terms of submitted documents.
- f. A local area risk assessment has been submitted and can be found at Annex 2 of the report. The document is regularly re-assessed and the points within it are reviewed on a regular basis by Mr Tresidder (Applicant). It will be updated and amended depending on how scenarios evolve on any particular area. The Metropolitan Police and the Licensing Authority have no issues with the risk assessment.
- g. An additional set of conditions had been agreed by the applicant, Metropolitan Police and the Licensing Authority at Annex 5 of the

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report, which satisfy and deal with the Licensing objectives set out under the Act. In not making any representations, the Metropolitan Police and Licensing Authority agree that with the additional conditions attached to the premises licence, any test within the Gambling Act is satisfied.

- h. A number of evidential documents had also been submitted at Annex 6 of the report, setting out signage, training documents, social responsibility charters and policy and procedures, all operated by the applicant in his premises within the M25.
  - i. The applicant is approved by the Gambling Commission, has an operating licence and the operation and implementation of his procedures are accepted by the gambling commission as more than satisfactory in terms of promoting the licensing objectives.
  - j. The need or demand for Gambling Act premises, ethical and moral objections to gambling, concerns over whether Gambling Act premises fit in to town centres, concerns regarding planning or general nuisance concerns are not relevant to this application and as a matter of law.
  - k. The applicant had never had a review brought against his other 17 Adult Gaming Centres. No issues or concerns raised by Police in terms of his premises. No concerns raised by IP's today had come to fruition in the applicant's premises because of the way the premises are run. Experienced managers are employed with full training in place and good customer care. The applicant always tries to establish good relations with local communities as he has done in this area with the Police and the Licensing Authority.
  - l. Reference to Annex 5 – Agreed conditions arising from the application (from page 213) and Annex 6 – Applicants documents to further support the application (from page 219) of the report. In terms of crime issues raised by IP's, reference was made to point 2.6.2 (page 8) of the report and the measures the applicant has put in place to combat crime and disorder.
  - m. Certain parts of representations made were incorrect and not supported by evidence/documents that the premises would be connected to crime and disorder, money laundering or gangs/drugs. This was untrue and not supported. If this were the case the Metropolitan Police would object to the application. The Enfield Scrutiny documents made no reference or connection to AGC's.
  - n. There had been no issues in any other of the applicant's premises. The 3 licensing objectives would always be promoted with the agreed conditions. Concerns expressed by IP's, many of which are unsupported, would not come to fruition and the premises will not impact on crime and disorder.
3. The applicants and representative responded to questions as follows:
- a. In response to Councillor Levy's queries regarding the premises agreed operating hours and whether these hours were a window within which the premises may operate, the additional negotiated conditions and if

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they were tolerated or agreed willingly, and issues raised by IP's had been experienced in the applicant's other premises and if so, what steps had been taken to address those issues, Andrew Woods clarified that the applicant would have liked to have had a 24/7 licence, as that is what other operators in the area have. Even with a 24/7 licence the applicant doesn't always operate to those hours. As the licensing authority did not agree to a 24/7 licence the applicant agreed to 8:00am – Midnight. The Police conditions were accepted immediately, and the remaining conditions were generally accepted. The specific issues raised by IP's have not been experienced by the applicant in his other premises, many of which are within London Borough's and the M25.

- b. In response to a further question by Councillor Levy regarding if the additional conditions were stronger than the applicant would have expected elsewhere and would they reinforce the steps already taken to enforce the licensing objectives, it was clarified that these measures were not proposed as conditions by the applicant when the application was made. They add to and reinforce measures that will be in place at the premises.
- c. In response to queries from Councillor Hamilton, it was clarified that in terms of the premises fitting into the Town, this was not a relevant question under the Gambling Act. The applicant operates other premises near to towns, schools, high streets, train stations and in areas mixed with care homes, schools, etc. Nobody under 18 will be permitted into the premises. For people classed as vulnerable, the applicant has policies and procedures in place and staff are trained for this specifically. It is dealt with by observation, interaction and implementing the policies and procedures looking for signs of vulnerability. With regards to the pavement outside the premises, there are no queues into the premises with no one loitering outside. The premises are not attractive for this reason and the applicant does not envisage any difficulties with this.
- d. In response to a query from the Chair regarding a concern for an increase in loitering and anti-social behaviour outside the premises, it was clarified that an assessment is being made of a site not opened yet. The site had operated for many years, with a Gambling Act licence and there has been no evidence provided today to suggest this.
- e. IP4 asked what powers staff have, to move people along if loitering on the pavement. It was confirmed that staff do not have powers to move people off the pavement. They would contact the Police and licensing authority as with other shops in the Town.
- f. In response to IP5's queries regarding the risk assessment and the testing of staff training, how the applicant ensures the effectiveness of the training and the evaluation of that and how the pavement outside would be controlled by staff, it was clarified that that staff do not move people on but only monitor and there are issues they would contact the Police and licensing authority as with other shops in the Town. The narrow pavement outside was not a reason not to grant the application. Within Annex 6 of the report there were compliance training documents

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covering the initial training that is undertaken in the shop. A further condition was also agreed regarding refresher training for all staff in the shop. Senior managers, an area manager and compliance manager all monitor that staff are undertaking training correctly and implement policies and procedures. There is a senior manager and supervisor in the shop at all times including staff training records. The risk assessment wording around staff patrolling outside to be looked at by the applicant to show 'looking for issues outside'.

- g. In response to queries raised by IP2 and read out by the Principal Licensing Officer regarding the age of customers, proceeds of crime not being funnelled through the business, advertising on the shop front seen by children likely to glamourize and encourage gambling, measures to combat anti-social behaviour and the applicants awareness of county lines and gangs affecting Enfield, it was clarified that staff will use/require challenge 25, formal ID, passport, driving licence for any customers that do not look 25. There are anti proceeds of crime policies and any suspicious activity will be stopped and reported immediately. Signage does say Adult gaming Centre but is not glamourized. Posters on the shop front show what is available but is not a glamourized shop front. Anti-social behaviour is not permitted by staff who patrol inside the shop. These premises did not attract anti-social behaviour, as there is no music, alcohol, TV's, etc within the shop. The applicant is aware of county lines and gangs through the representations of IP2, and the importance of that. He understands county lines and the implications with regard to young people and drugs, is aware of that and youngsters and drugs will not be permitted in these premises.
4. The statement of IP1 – Councillor Nesil Caliskan making representation, including:
    - a. Thanked the applicant for presenting the application and for providing detailed responses to important questions.
    - b. Because there was something in place before it didn't mean a continuation on a path that is causing harm to individuals and communities.
    - c. Recognition of licensing officers making representations following processes within the framework of the law. Councillor Caliskan was making a representation today because she had been contacted by local residents and business owners who had expressed concern at the proposals of this application which she also shares through her submission to the committee which sets this out.
    - d. Gaming and gambling venues cause more harm than good and there is ample evidence for that both historic and newly emerging evidence.
    - e. In terms of gaming addiction, an increasing number of people are falling victim. There is a link between the existence of venues and the number of people who are finding themselves addicted and the consequence of that on others.



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- f. Acceptance that this venue will have steps in place to ensure that children don't have access to the venue, minimising harm to children. Did not accept that harm is not caused because there is a correlation between poverty and crime. It was known that gaming and gambling pushes individuals into debt. The need to acknowledge that there is a broader picture and that we have responsibility to seek to minimise the harm to individuals and communities.
  - g. Enfield Council is committed to re-building its local communities and creating a place that is resilient, inclusive and supports the health and well being of its residents. Gaming and gambling venues would not have a positive net contribution in that mission.
  - h. It would be difficult for staff members to identify those that are vulnerable. It has been well documented that gambling addicts are not obvious and would be a big burden on staff and unrealistic expectation for staff to always identify the vulnerable.
  - i. This was not just about those addicted but also about the general culture and influence that we are providing in our communities to encourage and engage in activities that pushes people into debt. Burdening them with financial insecurity.
  - j. IP1 also added that because the connection isn't obvious with an example, it didn't mean that it isn't there. The recent Harvard review published a report detailing some of this. Members were asked to consider the representations made about their concerns on the proposals.
5. IP1 – Councillor Nesil Caliskan responded to questions as follows:
- a. In response to Councillor Levy's query about whether IP1 was asking the committee to ignore the Gambling Act because there is a bigger picture, IP1 clarified that she would never ask committee members to do that. There was plenty of evidence to demonstrate the harm that is caused by gaming and gambling venues and should be acknowledged. There was also a lot of evidence that residents had made through representations about the existence of gambling venues. Decisions made by members cannot happen in isolation, a more holistic view should be taken within the framework of the Law.
  - b. In response to a further query from Councillor Levy about what specifically in the application IP1 was objecting to, it was advised that due to Enfield's high levels of deprivation, it was felt licensing laws allow members to consider issues in a borough that might exacerbate future harm. An AGC existing in a Borough where 1 in 3 children are living in poverty is a consideration for members. Specific concerns by IP1 included the location, the proximity to a train station, the business of an area and the very little criteria for whether staff are able to assess those who are vulnerable.
  - c. In response to Councillor Levy's further query regarding what evidence IP1 was bringing to the Committee to show that the applicant had not taken sufficient steps to promote the licensing objectives, it was

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confirmed that it would be for members to consider and to give weight to what IP1 has said. As Leader of the Council, it was her role to represent the views of residents. In her view, legislation allows members to make a judgement about the appropriateness of this venue.

- d. In response to IP5's questions about harm to children and if staff would be properly trained to eject people displaying anti-social behaviour who may then incite violence to people nearby, it was clarified that there are a number of schools in the area with a large number passing by the premises. There was already one in ten children who are gaming and getting into debt. Once children are able to legally go into AGC's they will do so because there is a culture of normalising it for it to exist. The Police are under resourced and are having to prioritise the most serious incidents, crimes and are having to overlook low level crimes/anti-social behaviour. Because it is categorised as low-level crime, it didn't mean it is causing harm to a community. It is more likely to cause anti-social behaviour outside venues where tensions are high and with high levels of people. There may not be evidence now but there is evidence demonstrated through trends and behaviours that can suggest that that is a risk.
6. The summary statement from Ellie Green, Principal Licensing Officer, that having heard from the representatives of all the parties and received all the written evidence, it was for the sub-committee to determine the appropriate steps to take. The relevant guidance and policies were highlighted.
  7. The summary statement on behalf of the applicant that the Gambling Act may need reviewing in future but as it stands committees are invited to aim to permit applications subject to measures being in place to promote the Licensing objectives. Many of the comments made against this application may all be issues that are looked at if the Gambling Act is reviewed in future and are not relevant to this application. What is relevant is the specific nature of these premises and the evidence the Committee has heard about these premises and what the applicant does. The applicant has put forward all measures necessary to promote the licensing objectives and asks the LSC to bear in mind that there is no evidence of AGC's causing problems, issues at this gambling establishment in the past, or any issues at the other premises run by the applicant. Decisions have to be based on evidence and not speculation. The Police and Licensing Authority do not raise an objection to the application and are therefore satisfied that the measures promote the Licensing objectives.

RESOLVED that

1. In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely

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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 Chair made the following statement:

“The Licensing Sub-committee has attentively listened to and considered the written and oral representations made by the applicant, the applicant’s representative and IP1, IP2 (questions read out), IP3, IP4, IP5, IP6 and IP7. The Licensing Sub-Committee has made a decision:  
To Reject the application.

The application has been rejected for the following reasons:

1. The licensing sub-committee [LSC] was not persuaded that the risk assessment undertaken by the applicant was sufficient to protect children, young people & vulnerable persons from being harmed or exploited by gambling, especially as the premises are close to many local schools & the train station meaning that many people would pass it regularly.
2. Following all representations by the interested parties, especially IP1 & IP2, the LSC were persuaded that these premises will add to/ increase the existing problems of crime & anti-social disorder within this ward.
3. The LSC were also very anxious that the pavement outside the premises is very narrow making it difficult if not impossible to patrol, as the applicant has suggested they will.
4. The LSC acknowledges that prior to this application there was a betting shop on the premises, which operated without problems. However the LSC believe that these premises as an adult gaming centre with longer hours would bring problems that did not previously exist”.

**4  
MINUTES OF PREVIOUS MEETING**

**AGREED** the minutes of the meetings held on Wednesday 10 March 2021 be adjourned until the 16 June 2021 Licensing Sub-Committee meeting.

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