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LICENSING SUB-COMMITTEE

Wednesday, 6 October 2021 at 10.00 am Council Chamber, Civic Centre, Silver Street, Enfield, EN1 3XA Contact: Metin Halil Committee Secretary Direct: 020-8132-1296 Tel: 020-8379-1000

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Councillors: Doug Taylor (Chair), Sinan Boztas and Maria Alexandrou.

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 WINCHMORE, PUBLIC HOUSE, 235 WINCHMORE HILL ROAD, LONDON, N21 1QA (Pages 1 - 150)

Application for a Review of premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 151 - 182)

To receive and agree the minutes of the meetings held on Wednesday 10 March 2021, Wednesday 19 May 2021 & Wednesday 4 August 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 6 October 2021

REPORT OF:

Principal Licensing Officer

LEGISLATION: Licensing Act 2003 Agenda - Part

Item

SUBJECT:

Application for a Review of a Premises Licence

PREMISES:

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

WARD: Southgate

1 LICENSING HISTORY:

1.1 The Winchmore is a long-standing premises operating as a pub, bar and restaurant, and has previously been known as The Willow. There is a substantial licensing history which is set out below.

LICENCE 1 - LN/200501025

- 1.2 On 8 August 2005 an application by Mr Keith Freeman to convert an existing Justices On Licence and an existing Public Entertainment Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 21 February 2007 an application by **Messrs Phidias and Simis Kouttis** to transfer the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4 On 17 June 2010 application was made by the **Trading Standards Service** (which is the Weights & Measures Responsible Authority for the borough) for a review of the Premises Licence.
- 1.5 The review was made on the grounds of the prevention of crime and disorder.
- 1.6 The authority considered that it is necessary, for the promotion of the licensing objectives to revoke the licence. This decision was appealed, but the magistrates Court dismissed the appeal.

LICENCE 2 - LN/200800171

1.7 On 1 March 2008 an application by **Messrs Phidias and Simis Kouttis** for a new Premises Licence (for usable areas of the Ground and First Floors), that was subject to representations from the Environmental Health Service, from the Trading Standards Service and from 63 (sixty-three) Interested Parties, was granted-in-part by the Licensing Sub-Committee.

- 1.8 The licence was reviewed in June 2010 by Trading Standards following a significant number of complaints relating to loud music, people noise, unlicensed activities and alleged breach of conditions.
- 1.9 The hours of the licence for some activities were reduced and the conditions amended. An appeal was launched but was subsequently dismissed by the Magistrates Court.
- 1.10 On 7 March 2013, the premises licence was transferred into the name of Star Pubs & Bars Limited, 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9.JZ.
- 1.11 On 10 June 2015, this premises licence was surrendered.

LICENCE 3 - LN/201500123

- 1.12 On 4 February 2015, a new application was granted by the Licensing Sub-Committee, naming Star Pubs & Bars Limited, as the premises licence holder. This application reflected the times and activities of LN/200800171 but with an up to date plan.
- 1.13 On 3 June 2015, a transfer application and a Vary DPS application which were not subject to any representations, were granted by officers in accordance with delegated powers, naming Celtic Cross Limited, as the premises licence holder and Mr Mark Walsh as the Designated Premises Supervisor (DPS).
- 1.14 On 27 July 2016, a variation application to extend the licensable hours was granted by the Licensing Sub-Committee. This application was subject to representations from six local residents objecting to the extension. For more information on this application and outcome, click http://governance.enfield.gov.uk/mgAi.aspx?ID=37532
- 1.15 On 15 January 2021 an application was made by Celtic Cross Limited for a variation of premises licence LN/201500123, namely seeking to extend opening until 00:30 Friday to Sunday, and to provide alcohol, late night refreshment, live music and recorded music until midnight Friday to Sunday, and even later on Sundays preceding Bank Holiday Mondays.
- 1.16 Due to representations made initially by the Police and Licensing Authority and Other Persons, the application was determined by the Licensing Sub-Committee on 10 March 2021. For the full agenda, report, decision and minutes, see here.
- 1.17 The Licensing Sub-Committee determined the following outcome:

Activity	Hours Applied for on Amended Variation 3/3/2021	Times determined by the LSC:
Opening hours	Sunday to Thursday 09:00 to 23:30 Friday & Saturday 09:00 to 00:30	Sunday to Thursday 09:00 to 23:30
	Seasonal Variation:	

Supply of alcohol (on and off) Supply of alcohol (on and off) Sunday to Thursday 10:00 to 23:00 Friday & Saturday 10:00 to 00:00 Seasonal Variation: On Sundays preceding a Bank Holiday: 10:00 to 00:00 Plays (indoors) Friday & Saturday 09:00 to 00:00 (no change) Friday & Saturday 09:00 to 00:00 Friday and Saturday 09:00 to 00:00 Seasonal Variation: On Sundays preceding a Bank Holiday: 09:00 to 00:00 Seasonal Variation: On Sundays preceding a Bank Holiday: 09:00 to 00:00 Seasonal Variation: On Sunday to Thursday 09:00 to 23:00 Friday and Saturday 09:00 to 23:00 Seasonal Variation: On Sundays preceding a Bank Holiday: 09:00 to 00:00 Performance of dance (indoors) Daily 09:00 to 23:00 (no change) ANO SEASONAL VARIATION NO CHANGE NO CHANGE NO CHANGE NO SEASONAL VARIATION NO CHANGE NO SEASONAL VARIATION NO CHANGE NO SEASONAL VARIATION NO CHANGE NO SEASONAL VARIATION NO CHANGE NO SEASONAL VARIATION NO CHANGE		On Sundays preceding a Bank Holiday: 09:00 to 00:30	Friday & Saturday 09:00 to 00:30
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		On Sundays preceding a Bank Holiday:	

- 1.18 On 24 August 2021 a Vary DPS application was issued, naming Eimear Walsh as the new DPS, replacing Mark Walsh.
- 1.19 On 1 September 2021 a minor variation application was issued, to amend the plan.
- 1.20 A copy of the most up to date Premises Licence is attached as Annex 1.

2.0 THIS APPLICATION:

- 2.1 On 12 August 2021, the Licensing Authority submitted a review application of The Winchmore (LN/201500123) based on the grounds that the licensing objectives prevention of crime and disorder, prevention of public nuisance and protection of children from harm are not being met. This is following reports that the premises licence holder has been unable to control the noise and dispersal of customers leaving the premises, namely at closing time, which is causing antisocial behaviour. Local residents have reported that they are concerned and affected.
- 2.2 The review application therefore seeks to reduce the licensable hours and amend conditions.

2.3	Specifically.	the changes	to the	licensable	hours	sought are:

Activity	Current Hours	Recommended Hours
Open	09:00 – 23:30 Sun –	No change Sun – Thurs
	Thurs	09:00 - 23:30 Fri - Sat
	09:00 – 00:30 Fri - Sat	
Alcohol (on sales)	10:00 – 23:00 Sun –	No change Sun – Thurs
	Thurs	10:00 - 23:00 Fri - Sat
	10:00 - 00:00 Fri - Sat	
Plays	09:00 – 00:00 Fri - Sat	09:00 – 23:00 Fri - Sat
Live music	09:00 – 23:00 Sun –	No change Sun – Thurs
	Thurs	09:00 – 23:00 Fri - Sat
	09:00 – 23:30 Fri - Sat	
Recorded music	09:00 – 23:00 Sun –	No change Sun – Thurs
	Thurs	09:00 – 23:00 Fri - Sat
	09:00 – 23:30 Fri - Sat	
Performance of	09:00 - 23:00 everyday	No change
dance		
LNR	23:00 - 00:00 Fri - Sat	Remove from licence

- 2.4 The Licensing Authority no longer seek suspension of the licence as the minor variation with the appropriately amended plan has been received and issued.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the Review Application and Additional Information is produced attached in Annex 2
- 2.7 The premises is not located within one of Enfield's Cumulative Impact Policy areas.

3.0 RELEVANT REPRESENTATIONS:

3.1 Metropolitan Police: Representation has been made in support of the review and have provided police intelligence relating to the prevention of crime and disorder and prevention of public nuisance licensing objectives being undermined. The Police agree

to the reductions in hours and modified conditions as outlined in the review. The Police representation is produced in Annex 3.

- **3.1 Other Persons Support Review/Object to the existing premises licence:** 5 representations from local residents known as Other Persons have been received in support of the review application. These residents live on Winchmore Hill Road, Houndsden Road and Church Hill, and shall be referred to as IP1 to IP5. These representations are presented in Annex 4.
- **3.2 Other Persons Object to the Review/Support the Premises Licence Holder:**12 representations from local residents known as Other Persons have been received in objection to the review application. These residents shall be referred to as SUP01 to SUP12. These representations are presented in Annex 5.
- **3.3 Premises Licence Holder:** The Company Directors of Celtic Cross Limited are Mr Mark Walsh and Ms Eimear Walsh. Documentation has been provided on behalf of the premises licence holder and is now produced in Annex 6.

4 PROPOSED LICENCE CONDITIONS:

- **4.1** The premises licence holder has responded to the modifications of licence conditions. Some conditions have been agreed, but there are a number of conditions which have not been agreed.
- **4.2** The conditions arising from this application can be found in Annex 7.

5 RELEVANT LAW, GUIDANCE & POLICIES:

- **5.1** The paragraphs below are extracted from either:
- **5.1.1** the Licensing Act 2003 ('Act'); or
- 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:

- 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)].

Hours:

- The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.[Guid 10.13]
- Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Guid 10.14].
- The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives. [Pol s.8.1].
- The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise. [Pol s.8.2].
- However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].
- Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received, and a hearing takes place. [Pol s.8.4].
- 5.11 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In

particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work. [Pol s.8.5].

5.12 London Borough of Enfield's Licensing Policy Statement of January 2020 – Review Information

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.

5.13 Guidance issued by the Secretary of State to the Home Office of April 2018 – Review Information

- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 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.

5.14 Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension74 and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition. [Guid]

5.15 Recorded Music

Certain types of regulated entertainment have been deregulated since April 2015 [Guid Section 16], meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

5.16 The Live Music Act 2012

The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00-23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

5.17 Planning and Parking Enforcement

Reference has been made to alleged planning and parking breaches within some of the representations. Information relating to these issues cannot be taken into consideration for licence reviews. that in planning and licensing, one regime does not override the other – both permissions are required for the premises to trade lawfully.

6. Decision:

6.1 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing

objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits. [Guid 9.37].

- 6.1.1 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:
- 6.1.1.1 the steps that are appropriate to promote the licensing objectives;
- 6.1.2 the representations (including supporting information) presented by all the parties;
- 6.1.3 the guidance; and
- 6.1.4 its own statement of licensing policy [Guid 9.38].
- 6.2 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
 - 6.2.1 to modify the conditions of the licence;
 - 6.2.2 to exclude a licensable activity from the scope of the licence;
 - 6.2.3 to remove the designated premises supervisor
 - 6.2.4 to suspend the licence for a period not exceeding three months;
 - 6.2.5 to revoke the licence [Act s.52].
- 6.3 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].
- 6.4 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. [Guid s.11.23]

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 Lice	nce Number: LN/201500123
Part 1 – Premises Details	
Premises Name and Address:	The Winchmore, Public House, 235 Winchmore Hill Road, LONDON, N21 1QA
Where the licence is time-lidates:	mited, the
Maximum number of person permitted on the premises where the capacity is 5,000 more.	

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	Whole Premises	
Activity	Open to the Public	
Sunday		09:00-23:30
Monday		09:00-23:30
Tuesday		09:00-23:30
Wednesday		09:00-23:30
Thursday		09:00-23:30
Friday		09:00-00:30
Saturday		09:00-00:30
Non-Standard Variations	d Timings & Seasonal	New Year's Eve: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Location	On & Off Supplies	
Activity	Supply of Alcohol	
Sunday	10:00-23:00	
Monday	10:00-23:00	

Tuesday		40.00 02.00
Tuesday		10:00-23:00
Wednesday		10:00-23:00
Thursday		10:00-23:00
Friday		10:00-00:00
Saturday		10:00-00:00
Non-Standard Variations	l Timings & Seasonal	New Year's Eve : from the end of permitted hours on New Year's Eve to the
		start of permitted hours on New Year's Day.

Location	Indoors	
Activity	Plays	
Sunday	-	
Monday	-	
Tuesday	-	
Wednesday	-	
Thursday	-	
Friday	09:00-00:00	
Saturday	09:00-00:00	
Non-Standard Variations	rd Timings & Seasonal	

Location	Indoors	
Activity	Live Music	
Sunday		09:00-23:00
Monday		09:00-23:00
Tuesday		09:00-23:00
Wednesday		09:00-23:00
Thursday		09:00-23:00
Friday		09:00-23:30
Saturday		09:00-23:30
Non-Standard Variations	d Timings & Seasonal	New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

Location	Indoors	
Activity	Recorded Music	
Sunday	09:00-23:00	
Monday	09:00-23:00	
Tuesday	09:00-23:00	
Wednesday	09:00-23:00	
Thursday	09:00-23:00	
Friday	09:00-23:30	
Saturday	09:00-23:30	

Location	Indoors			
Activity	Performance of Dance			
Sunday		09:00-23:00		
Monday		09:00-23:00		
Tuesday		09:00-23:00		
Wednesday		09:00-23:00		
Thursday		09:00-23:00		
Friday	09:00-23:30			
Saturday		09:00-23:30		
Non-Standard Variations	d Timings & Seasonal	New Year's Eve: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		

Location	Indoors			
Activity	Late Night Refreshment			
Sunday	-			
Monday	•			
Tuesday	-			
Wednesday	•			
Thursday	-			
Friday	23:00-00:00			
Saturday	23:00-00:00			
Non-Standard Variations	New Year's Eve: from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.			

Part 2

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

Name: Celtic Cross Ltd

Address: Woodgate House, 2-8 Games Road, Enfield, EN4 9HN

Registered number of holder (if applicable):

08844402

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

Name:

Miss Eimear Walsh

Address:

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:

Issuing Authority:

London Borough of Camden

Signed:

Date: 1 September 2021

for and on behalf of the London Borough of Enfield Licensing Team, Civic Centre, Silver Street, Enfield EN1 3XY



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

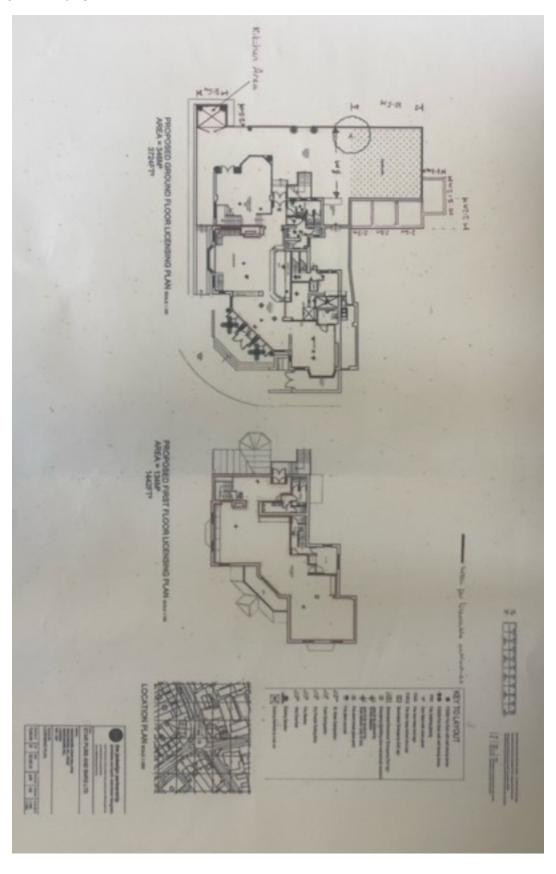
- 4. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:
- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) any faults in the CCTV system
- (f) any visit by a relevant authority or emergency service.
- 5. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
- 6. All staff shall receive induction and refresher training (at least every six months) relating to the times and conditions of the premises licence.
- 7. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 8. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
- 9. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.
- 10. All external doors and windows shall be kept closed when regulated entertainment (i.e. recorded and live music) takes place after 23:00, except in case of an emergency and for access/egress.
- 11. Staff shall monitor customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance.
- 12. When regulated entertainment, including recorded and live music, is taking place, regular boundary noise checks at the perimeter of the premises shall be conducted to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
- 13. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

- 14. No customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.
- 15. There shall be no more than 10 persons using the designated smoking area after 23:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.
- 16. Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by 22:00, unless attending a private function when they will be permitted to remain on the premises until close.
- 17. The carpark shall be locked no later than 30 minutes after closing time to prevent members of the public remaining/parking in the car park after the premises has closed.
- 18. 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

Not applicable

Annex 4 – Plans



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.

additional sheets if necessary. You may wish to keep a copy of the comp Charlotte Palmer, Senior Licensing					
apply for the review of a premises lice Act 2003 for the premises described in		ng			
Part 1 – Premises or club premises det	ails				
Postal address of premises or, if none, ord The Winchmore Public House, 235 Winch	• .	ption			
Post town Post code (if known)					
London N21 1QA					
Name of premises licence holder or cluknown) Celtic Cross Ltd	ıb holding club premises certificat	e (if			
Number of premises licence or club pre	emises certificate (if known				
LN/201500123	·				
Part 2 - Applicant details					
I am Please tick yes 1) an interested party (please complete (A) or (B) below)					
a) a person living in the vicinity of the	premises				
b) a body representing persons living	in the vicinity of the premises				
c) a person involved in business in the vicinity of the premises					
d) a body representing persons involved premises	ved in business in the vicinity of the				
2) a responsible authority (please comple	ete (C) below)	\boxtimes			
3) a member of the club to which this application relates (please complete (A) below)					

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)						
Please tick Mr ☐ Mrs	☐ Miss □	Ms 🗌	Other title (for example, Rev)			
Surname		First	names			
I am 18 years o	ld or over		Please tick yes □			
Current postal address if different from premises address						
Post town		Po	ost Code			
Daytime contact telephone number						
E-mail address (optional)						
(B) DETAILS OF OTHER APPLICANT						
Name and addre	ess .					
Telephone numb	Telephone number (if any)					
E-mail address (optional)					

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address
Charlotte Palmer, Licensing Authority
London Borough of Enfield, PO Box 57
Civic Centre, Silver Street, EN1 3XH
Telephone number: 020 8132 2004
·
E-mail address: charlotte.palmer@enfield.gov.uk

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

Please tick one or more	poxe	
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1))	the	preven	tion of	crime	and	disord	er
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X

2) public safety

3) the prevention of public nuisance

4) the protection of children from harm

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

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that those running the premises appear to be unable to manage customers behaviour, particularly at closing time. The noise and anti-social behaviour generated by customers late at night has resulted in significant disturbance to local residents and numerous complaints direct to the premises, local authority and police. Despite a warning letter being issued the problems have continued. As the clientele have changed the Licensing Authority does not think it is appropriate for children to be on the premises after 21:00.

The review application is to reduce the licensed hours and amend the licence conditions. If not done prior to the review hearing, the Licensing Authority also requests that the licence be suspended until a minor variation to update the plan attached to the licence is submitted to the satisfaction of the Licensing Authority.

Background:

10/03/21 - Variation granted. See **Appendix 1** for Licensing Sub Committee Report and **Appendix 2** for the minutes of the Licence Hearing. The Licence is held by Celtic Cross Ltd. The company has two Directors, brother and sister Mark and Eimear Walsh. They have held a licence for this premises since 2015.

12/04/21 – Covid regulations allowed outside areas to reopen.

Friday 16/04/21 - 19:07 - Anonymous complaint received regarding loud music being playing in the carpark area.

16/04/21 - Complainant C1 copied officer (EVG) in to emails to and from premises regarding loud music. The complainant stated they had called the premises but got no answer. Premises Licence Holder (PLH) replied to email. Complainant confirmed that they eventually got through on the phone and were told the music would stop at 22:00. The complainant also called the Out of Hours Noise Team.

16/04/21 - 19:25 - Complaint from Complainant 6 (C6) regarding loud music.

16/04/21 – Complainant C4 also reported loud music to the Out of Hours Noise Team. A visit was made at 21:55. Officer notes state it was clearly audible and considered to be a statutory noise. Officer spoke to PLH – Eimear and manager – Adam. Music ceased whilst on site. Notice not issued. Left at 22:15.

Saturday 17/04/21 – 22:00 - Out of Hours Licensing Enforcement Team (EVG) visit to premises along with officers from the Police Licensing Team. No music was being provided during their visit. Booths and the covered area closest to the building were both considered to be more than 50% enclosed (meaning they are considered indoors and could not be used under Covid regulations in place at the time or be used for smoking). Regulated entertainment is permitted "on the premises", it does not differentiate between inside or outside. As the DJ was situated within the original beer garden and is included within the licensed area on the plan, which forms the licence authorisation, this would appear to be permitted. However, officer (EVG) advised that a noise nuisance must not be created at any time.

Friday 23/04/21 – Complaint from C6 that customers were very loud, spilling out onto the street making noise/shouting, reviving engines, beeping homs. The complainant called the noise team but they couldn't come out in time to witness issues.

Saturday 24/04/21 — Complainant C4 called Out of Hours Noise Team regarding loud music. 23:30 — Officer visited site, no music audible and all customers had left.

Sunday 02/05/21 – 23:07 Complaint (C1 and C6) alleging that customers wait outside their address screaming and shouting waiting for their transportation home. Car engines revving and horns beeping. Prevents sleeping. The complainants tried to report this through the noise team but the team do work on Sundays. Complainants believe the issue will continue until the carpark is used as a carpark again – currently used for additional seating due to Covid. Also complained about cars blocking driveway.

Wednesday 05/05/21 — Officer (CPX) emailed the PLH to advise that a complaint had been received in relation to people and car noise at closing time, in particular on Sunday 2nd May. Requested that staff monitor the behaviour of customers as they leave and ask them to do so quietly so as not to disturb local residents. Reply from PLH advising that as part of their dispersal policy a member of their team is outside asking people to leave quietly. On occasion, some tables can be a little louder but the team work hard to disperse people as quietly as possible. He also advised that they had added extra signage outside to highlight the importance of respecting neighbours — photos of signage received. PLH was aware of the complaint about parking and advised that the complainant.

Sunday 09/05/21 – 23:59 – Out of Hours Noise Team observations – premises closed.

Monday 10/05/21 – 17:40 – Email from C1 asking if officers visited at the weekend. Also advising disturbed on Friday night by customers leaving, screaming and shouting. Video provided which they advise was taken at 11pm. The outdoor seating area that is now in the carpark area is causing a lot of noise for residents. Video lasted 1min 50 seconds and showed 3 cars pulled up outside residents property with people getting in them – appeared to be taxis. Bus and lots of other traffic passing by. Some voices audible. There was a group of approximately 10 people on the opposite side of the road to the left of the premises carpark and they stood talking then start to walk away. Another group of 5 was seen walking away from the premises and another group of around 20 people were outside the premises closer to the roundabout. One car heard tooting its horn.

Thursday 13/05/21 – 22:45 – 22:55 – Out Of Hours Noise Officers carried out observations. Talking, laughing and general noise from people audible. No music audible. Noise was as to be expected from a large outdoor drinking area. No antisocial behaviour in street. No cars being driven in street in an anti-social manner. Outside drinking area now in carpark appears to be main contributor of people noise.

Friday 14/05/21 – Email to C1 advising officers visited on Sunday night and Thursday night.

Email from C1 advising the issue is only on Friday nights. Email from PLH asking if council have a sign in sheet for people to confirm they are 2 families dining/meeting up together for when they reopen inside and whether they can use their huts from 17th May. Email to PLH attaching relevant form and confirming huts can be used from 17th as people are once again allowed indoors. Advised that a noise complaint had been received relating to noise from customers leaving on Friday nights. Officers requested staff monitor customers behaviour as they leave and discourage customers from lingering outside any longer than necessary.

Saturday 15/05/21 – Email from PLH advising their team are working hard to disperse clientele as quietly as possible and to move them on and will continue to do so.

Saturday 15/05/21 – 23:20 - Out of Hours Noise complaint from C1 in relation to people noise and revving cars. 00:32 – Officer called complaint noise had ceased.

Sunday 16/05/21 - 00:16 Email from C1. Five video clips

Video 1 – Actually an email advising further noise disturbance and that customers are teenagers. Asking for licence to be reviewed. The complainant said that they had called the premises but their calls were not answered. Engines revving, drinking and dancing outside houses. Complainant state in one video a boy is continuously forcing drink down another boys mouth whilst holding his neck so he can't move.

Video 2 – 5 – unable to open in format provided.

Email from C2 advising that noise affects their and their families sleep and repeating frustration that premises does not answer their phone calls.

Monday 17/05/21 — Officer (CPX) copied into an email trail by the PLH (EW) between them and C1 going back to April. The most recent related to C1 requesting a mobile number for the PLH as calls to the premises were not being answered. The PLH advised that they had spoken to the manager on site and that he had assured them that the team would answer calls. They advised that if the calls are not answered next time they will give C1 their mobile number then. She advised she left the site at 9pm the night before so would not have been much help if she's not there and didn't want to give out number for staff who might be asleep. This gives the impression that neither of the PLH's are on the premises in the evenings. A number does not appear to have been provided. The PLH advised staff had moved the group outside along.

Tuesday 18/05/21 – Officer (CPX) requested C1 send video in a different format. Received.

Video 1 – lasted 1 min 49 secs – Car on opposite side of road to premises with hazard warning lights on, people leaving area, voices audible, group of approximately 30 standing outside premises near roundabout, 2 cars parked on opposite side of the road, one reverses and blocks the junction leading to car horns being tooted and

congestion in road. Passing traffic is very busy, male heard shouting over to someone, girls singing audible for a couple of seconds, laughing audible and one male voice heard to swear.

Video 2 – 2 mins 2 secs – Car parked on opposite side of road to premises with car doors open and approximately 8 people standing around it, bass music audible coming from car, some cheering audible. Three people at bus stop and a group of 4-5 outside premises, more people join the groups around the car, laughing, talking, 1 male dancing.

Video 3 – 23 secs – Same group around car, road is much quieter now with no passing traffic. Cheering, bass audible, dancing.

Video 4 - 35 seconds - Same car, most of the group have left, some laughing audible, road is very quiet traffic wise, voices audible, car door slammed closed as male gets inside. Lights still on at premises.

Officer (CPX) could see that how the behaviour of this group in particular could disturb local residents and felt staff should have come out and dealt with them — the change in traffic levels gave the impression this issue went on for a while.

Further emails between C1 and PLH – C1 stated that they wouldn't want to disturb the PLH or anyone else whilst they were sleeping and hoped in turn the premises would respect the fact that residents also don't want to be disturbed.

Email from C2 advising they have no faith calls will be answered.

Email from C1 advising that they did not see anyone from the premises come out and ask the group to move away.

Friday 21/05/21 – Email from C1 wanting to know how to get premises hours reduced.

Saturday 22/05/2021 – 00:05 - Out of Hours Noise Team observations carried out. Although there was a large group of people standing near the roundabout when they arrived, these people were picked up by taxis, were not seen to be making any noise and left quickly. This may have been due to the poor weather conditions.

Tuesday 25/05/21 – Premises discussed at Council/Police Partnership Meeting. Officer (CPX) sent police (DW) recent videos and they agreed to get police officers to visit and to speak to the Designated Premises Supervisor (DPS). Officer confirmed he had spoken to the DPS that day.

Thursday 27/05/21 – Officer (CPX) emailed C1 and provided review information and advised the videos had been shared with the police who had also made the local police team aware of their concerns and have asked for officers to check the premises when on shift. Also advised of outcome of recent officer observations. Advised to call police if the issue is anti-social behaviour rather than loud music.

27/05/21 - Out of Hours Noise officers carried out observations from 22:55 – 23:10. Premises was open. Very few customers inside. Very quiet and it didn't appear anyone was using the outside area. No cars leaving in a noisy manner. Witnessed 2 people leaving quietly. No issues noted.

Friday 28/05/21 – Email from C1 to Officer (CPX) confirming premises was quite last weekend probably due to poor weather. Also wanting to know under what circumstances the Licensing Authority would review the licence. Officer advised that

Officers would need to witness issues. If issues are witnessed Officers would attempt to work with the premises to improve the situation prior to submitting a licence review. Officers would also want to be able to demonstrate that the issues experienced are typical and not a temporary result of the premises trying to adapt to the ever changing Covid regulations. C1 advised they are not the only residents affected and will encourage neighbours to come forward too.

Saturday 29/05/21 – 22:15 – Out of Hours Noise complaint from C2 in relation to people noise. 00:38 – officers visited – issue had ceased.

Wednesday 02/06/21 – Police Licensing Officer (DW) emailed officer (CPX) advising that they had just spoken to Mark Walsh the DPS/Premises Licence Holder. They had a frank discussion with him regarding his obligations surrounding the gathering of patrons and quiet exit from his premises. He states staff escort off the premises and disperse patrons. The officer pointed out to him that they could see no evidence of that fact and that this needs to be addressed before the situation gets out of hand. He is aware he needs the cooperation and help of the local community. The officer told him they will be monitoring moving forward and to call them if he needs any help.

Saturday 05/06/21 – 20:35 - Online complaint from C6 regarding loud music.

05/06/21 – 21:13 – Out of Hours Noise Team received a complaint from C2 in relation to loud music. 22:00 Officers visited – music barely audible outside complainant property. Bass audible but drowned out by passing traffic. 22:15 – People noise audible but also drowned out by traffic. 22:20 – spoke to complainant – volume less now.

05/06/21 – 21:18 - Out of Hours Noise complaint from C4. 22:35 – Visit made, observations from complainants house. People noise not above TV volume. 23:30 observations from bedroom, windows open, warm night, lots of people talking, quite loud, at times level increased. Complaint said there had been a party for children at the premises and music had been ongoing most of the day. DJ started at 20:30. Officer left at 22:40.

05/06/21 – 21:24 – Email from C2 to PLH claiming that they have been trying to get through to the premises for the last hour regarding the noise levels from the music but there was no answer. They ask that the PLH speak to the manager on duty and get them to control the music to an acceptable level.

Friday 11/06/21 – 22:50 – 23:00 - Out of Hours Licensing Enforcement Officers carried out observations. No issues witnessed.

Friday 18/06/21 - 22:49 - Out of Hours Licensing Enforcement Officers carried out observations. No sign of any anti-social behaviour or noise from music or people. All quiet in area.

Saturday 19/06/21 – 01:23 – Email from C1 advising that they have had another night of disturbance from the premises. Customers being noisy when they leave going on until 01:00. Cars parked with music blaring, kids shouting and screaming in the middle of the road, passing cars beeping for them to get out of the road. Urinating in residents gardens. The previous weekend they believe that drug dealing was taking place. This was reported to the police. Another resident witnesses a 3 person fight. Attached to the email was a screen shot of messages between different residents expressing their concerns about the premises - younger rowdier customers, issue on 13th June when England match took place, 2 men attacking a third – possible bottle seen. Residents woken by singing and shouting from customers.

Residents claim to have spoken to the PLHs about their concerns, but staff do nothing about it and nothing improves.

19/06/21 - 08:01 - Email from C3 to Officer (CPX) copying in PLH regarding noise disturbances from the night before - England Match. The complainant stated that there was a large crowd congregating outside the front door and drive area at 11pm. They had come from the beer garden and were standing around shouting and singing and this woke the complainant up. The staff did nothing to deal with the noise or to disperse the crowd. They were disturbed again at midnight with the same issues which went on till 00:45. They claimed that since the pub reopened there have been many similar instances. On 1 May they text the DPS (MW) with a complaint (having called the pub but no one answered) and he replied on 2 May. He also came to tell the complainant he will speak to staff but the very next weekend exactly the same happened and the complainant watched after closing (having been woken by the noise) from their window as one staff member walked right through the crowd and into the pub carrying glasses. Then a red car that's always parked outside drove up, parked, two men got out and walked into the pub without a backward glance let alone trying to manage the situation outside. The complainant stated that they felt the main issues are the clientele is a much younger crowd than before lockdown, they are loud and the staff do not manage their leaving. The complainant attached a photo showing a large group outside the premises:



19/06/21 – C2 emailed officer (CPX) photos of cars parked over their driveway on Friday nights and another email stating that people park up for a short period of time, pop over to the premises then driving off, or people from the premises come over to a particular car and speak through their window and then leave. The complaint stated that the issue is made worse as the premises are not using their carpark as a carpark.

19/06/21 – Email from Cllr Barry requesting officer visits, having been copied in to email from C3.

Monday 21/06/21 – Police Safer Neighbourhood Team (SNT) (PC Parbat & PC Rivas) visited the premises - spoke to the manager about the recent complaint. He was very apologetic and said he'd have a word with the manager who was in charge that evening. He said they've had new people in lately who weren't local and had

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been more challenging to control. He said his staff know to try and get them to leave quietly at closing time.

Tuesday 22/06/21 – Officer (CPX) emailed C2 and provided advise regarding parking issues.

Saturday 26/06/21 – 23:20 - C3 called the premises and asked them to quieten the crowd standing outside and to disperse them. The lady who answered said they had sent someone out and were doing their best. (Officer notified of this action after the event via Cllr Barry).

26/06/21 – Out of Hours Noise Officers carried out observations from 23:30 – 00:05. The Officer notes state that they witnessed nothing that they felt was unreasonable. Road traffic noise was louder. People were talking and there was some play fighting but it was in good humour and wasn't particularly loud whilst they were there.

30/06/21 – Email from C1 providing crime reference number in relation to 18/06/21 – fight BOS-24478-21-0101-B20. (A larger number of other residents were copied in to emails from this point).

30/06/21 – CPX replied to C3 and Cllr Barry detailing visits carried out by officers and how to report noise complainant at the time they were occurring.

Thursday 01/07/21 – 21:55 – C1 emailed PLH regarding parking issues and PLH replied. Officer (CPX) copied in to reply.

Friday 02/07/21 – 21:28 - Out of Hours Noise complaint from C4. 22:42 – Officer (PB) phoned complainant who advised the pub was out of control, no security and people shouting in the street. Officer agreed to visit. 22:58 – Visited premises. No security evident on the door despite there being a very large external seating area. 12 people outside talking loudly with cars sounding their horns. Inside the main premises appeared calm with people seated. 23:05 – phoned complainant who advised the bar had been closed early, agreed to speak to manager. 23:06 – Spoke to manager Rhion Gill who advised there was no security on the door and it was not a condition of the licence however they would have 3 security on the following day due to football (England match – Euros). Last orders would be 10pm and all out by 11pm. PLH/DPS - Mark Walsh and Eimear Walsh not present but staff advised they would be on site the following day.

02/07/21 - 23:05 - Out of Hours Noise complaint from C1. 23:30 - Officer (PB) phoned complainant and advised of action taken and that security would be present the next day.

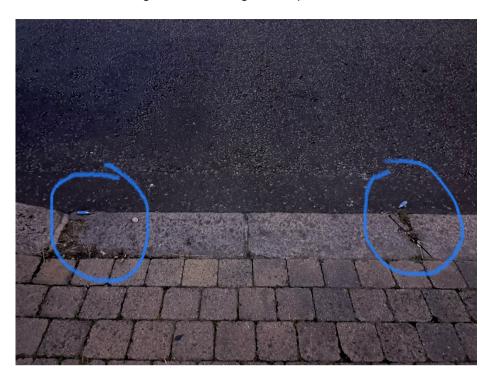
02/07/21 - **Email 1** - 21:36 - C1 emailed PLH and copied in Officer (CPX) complaining about smoke from the premises and noise from customers.

Email 2 – 23:17 – C1 email to Officer (CPX) complaining about smoke from a pizza oven, customer noise, a neighbours porch door being broken from a fight that spilled out from the pub a couple of days before, residents are scared in their own homes. Alleged staff told them they themselves are scared when there are football matches on. Multiple drugs canisters in the road, drugs dealing, smell of cannabis.

Email 3 – 23:26 – C2 – reiterating concerns mentioned above.

Email 4 23:45 – C1 forwarded their last email to Officer (CPX) again

Email 5 – 23:50 – C1 emailed Officer (CPX) photos of balloon canisters on the road and a video showing smoke coming from a pizza oven.





02/07/21 - Police intelligence - 8493/02JUL21 – Anti-social behaviour from premises – people fighting – large screen in car park – lots of noise and shouting – Passed to licensing and Safer Neighbourhood Team.

5215302/21 – male bottled outside the pub. Victim not interested in supporting police.

Saturday 03/07/21

Email 1 - 08:30 - Email from PLH (EW) confirming that they have a wood fired pizza oven in the beer garden but they do not feel that it would cause an issue to local

residents. Will monitor it. Acknowledged that noise levels have increased as more people using outside area due to Covid. Advised they will be 'shrinking back to our usual venue shortly and a much more friendly and normal way of life can resume' Football is having an effect on customers behaviour. She will be there during the football and they have employed 3 door staff to cover the match and extra staff. Will not be allowing anyone in once the game has started as they had a big influx of people from another pub during the last England game and it caused a lot of commotion. She advised they have wrist bands for everyone booked in with them so they can identify them. They know 'nearly ' every table booked in with them. She also stated that they have water stations prepared to slow people down on the beer and keep them sensible. 'Beer and football don't seem to be a great combo!' Will have security on for all the games. Marquee will be removed in a few weeks. Acknowledged it is disturbing the local area but 'to not be harmony with our local community is not something we intended and it's not a nice feeling'. Female PLH is at the premises 5/6 days a week. Asked Officer (CPX) - 'if you have any other requests for us or advise please do ping it across and I'll get onto it straight away'.

Email 2 - 09:26 - C1 reply to PLH advising the road was full of smoke at 21:00 the night before. Wanting to how long the outdoor seating area will be in use. Made reference to two recent fights which police had been called to. Also mentioned balloon canisters again.

Email 3 – 12:20 – C1 – Advising canisters have only appeared in the last few weeks. The premises has attracted a new crowd. Drug dealing mentioned along with screaming and shouting from customers, beeping of car horns.

Email 4 – C2 email to PLH stressing the issue is 200+ rowdy customers screaming, shouting, laughing, fighting and taking drugs and causing a disturbance.

Email 5 – C1 – Email to officer (CPX) complaining about smoke from the outside oven. Officer notified Commercial Nuisance Officer.

Email 6 - 23:05 - Email from PLH including photos of pizza oven and flue. Advising the issue is not coming from them but a neighbour burning rubber.

Email 7 – 23:15 – C1 Email to PLH claiming the issue is the oven.

Email 8 – 23:37 – C2 reply to PLH expressing frustration at excuses from premises.

03/07/21 – 22:22 - Out of Hours Noise Team received a complaint from C1 regarding noise from rowdy customers and odour from premises. 23:40 – Officer (RA) contacted the complaint who advised the issue had ceased.

Sunday 04/07/21 – 18:21 - Email from C4 regarding parking issues, cigarette ends and beer glasses being shoved into residents plant holders and all over their driveway, drug dealing and drug taking. Complainant advised customers are now a younger crowd. Urinating in residential gardens.

04/07/21 – 19:08 - Email from Cllr Levy to C4 advising on the review process. Recommended C4 contact Licensing Enforcement directly.

Monday 05/07/21 – Officer (CPX) emailed all complainants to advise that she would be meeting with the police to discuss their concerns and would email them again after the meeting. Also explained that the Licensing Enforcement Team have no powers to deal with parking issues as this is already governed by existing Parking legislation. A licence review cannot take parking issues into consideration. Gave details of how to report parking issue to Parking Enforcement Team, how to report

noise complaints to Out of Hours Noise Team and how to report smoke pollution. Advised that if issues relate to anti-social behaviour in the street (shouting, fighting, urinating, drugs taking/dealing) rather than noise from the premises the first point of contact should be the police via 101 or 999 in an emergency.

05/07/21 – Email from C1 asking Officer (CPX) to include two additional residents in future emails as well as those already copied in.

05/07/21 – Officer (CPX) made Commercial Nuisance Officer and Food Team aware of pizza oven complaints.

05/07/21 – 15:34 - Email from C1 to officer (CPX) asking what will happen about the outdoor oven, will anyone from the council come & investigate? Are you speaking to the police about the fights & drugs? What's happening about the noise nuisance complaints? The screaming, shouting, car horns beeping, people hanging around with their car music playing?

17:20 – Email from C2 also wanting to know this information.

18:11 – Email from C3 advising they have also been affected by smoke from the premises. They advised that historically the PLHs would consult and/or notify the premises' immediate neighbours when they were planning anything but that this engagement seems to have fallen away. Complainant advised that they called the premises on Saturday 26 June at 11.23pm as there was a large group standing outside the front door and being very loud and that this seems usual practice once they leave the car park/garden at 11pm. The person they spoke to said they'd just sent someone out to ask them to disperse. They were also told that they find the younger crowd harder to deal with. *This implies there aren't sufficiently trained staff available to adequately manage and control the new clientele.* The complainant stated that incidents are not isolated to match days. The complaint stated that on Saturday evening (which was a match day) they were woken at 11pm and then again after midnight.

18:45 – Email from C4 – Advising issues are not new. They have had no sleep on Friday and Saturday nights sometimes until 2am by the time the 'loud foul mouthed inconsiderate people' leave the pub, for years. Has called the council many times and has also called the police numerous times over fights, screaming and loud shouting. They also call the premises to complain. They stated that they called on Friday night and spoke to the '24 and 28 year old girls' who had been left to run the premises. Apparently, the manager has left, and Mark (DPS) is no longer there.

19:54 – Email from C2 advising that smoke issue ongoing.

Tuesday 06/07/21 — Officer (CPX) received a phone call from C4 who advised issues with noise and anti-social behaviour have been ongoing for a long time. Mark (DPS) no longer works there, staff told her he doesn't work there anymore and now lives in South London and that the other PLH use to live above the premises but moved out because it was too noisy.

06/07/21 – Email from C4 regarding parking issues – advised to contact Parking Enforcement. Private land so council unable to assist.

Wednesday 07/07/21 – Commercial Nuisance Officer (JI) visited premises and spoke to PLH (EW) about the smoke complaints. If causing a statutory nuisance and issue witnessed from someone's home a notice can be served. Under the Clean Air Act if smoke can be seen an offence occurs. PLH agreed not to use it and will speak to the person that installed it there may be option to change it to a smoke less system

- DEFRA smokeless fuels. Office r (JI) later discovered this type of oven is on the DEFRA list so might not be able to take action in relation to visible smoke – Officer to look into issue to see if it is permitted.
- 13:29 Email from PLH with copy of certificate showing oven is DEFRA approved.
- **15:00** Officer (CPX) sent email to PLH advising their email had been forwarded to the Commercial Nuisance Officer for a reply. Also mentioned concerns about increased complaints and that they are looking to see if a review/additional conditions are required. Meeting taking place with police. Asked for information to be submitted on action they propose to take and advised the plan attached to the premises licence needs updating to show outside pizza oven and enquired as to whether DPS still works at the premises.
- **15:56** Email from PLH. Vary DPS application will be submitted. She advised that they have handpicked their booking for that night and will clear the premises at 5pm and only let those in who have reservations. They have wrist bands for everyone entering. They will have water on all the tables for people to drink as they are promoting responsible drinking. They have employed 3 door supervisors to work during the football match and have done so since being advised 2 weeks ago by the police. They have 7 people working outside and 3 people running drinks and food to the outside area. They also have 2 hosts working, 3 people on the inside bar, and 3 other people inside. The marquee shall be taken down at the end of July. The PLH will be on site this evening.
- **16:33** Officer (CPX) emailed PLH to advise where applications could be downloaded from and to ensure that the address on her personal licence was up-to-date as she's been advised she had moved because of the noise. Also asked what time the door staff will start and finish and whether they are employing door staff on non-match days.
- **16:38** PLH (EW) advised they live 4 minutes from the premises and did not move because of noise but other reasons. All 3 door staff are due to start at 6pm and finish at 11.15 pm. Once the marquee is gone and their capacity is at a reduced level she does not think they will need door staff but is happy to review this.
- **07/07/21** Email from C1 complaining about smoke.

07/07/21 – Email from C3 giving feedback from previous night's activities and giving credit to the PLH. They stated that there was a small crowd outside the pub at 11.10pm. The two security guards were standing together - easily identified through their jackets. Eimear walked over from the Church Hill direction, approached the crowd, spoke to the individual groups and had most of them on their way in a very short time. They stated that the security guards stood by watching, doing nothing and of no use. A couple of men were shouting chants at the passing cars and waving their arms, encouraging the beeping. Then one of them began urinating on the wall by the cottages next to the pub. At this the complainant lost their patience at the fact the security were doing nothing so they opened the window and called out to them to stop these two men. They stated that they think that Eimear came outside again at this. The resident was happy to see Eimear actively managing the crowd on an evening when emotions would naturally be running high after the football. The resident stated that this email was not a complaint and that they appreciated that the crowd were cleared quickly but that the security employed were a disappointment.

Thursday 08/07/21 – 4 emails from C1 including video clips from the night before (England match)

Email 1 - 00:08 - the complainant stated that they appreciated the crowd being cleared by now, and also agree security were terrible. Youths were jumping on cars passing by and walking in the middle of the street whilst security watched. The complainant stated that they couldn't see the security actively doing anything. They also stated that they still have an issue with the outdoor oven and had to close their windows early as the smell was really strong. They stated that the smell goes on for hours, definitely past 10pm.

Email 2 – 01:30 - Contrary to C3 this complainant stated they wouldn't give any credit to the pub for the way they handled the crowd other than the fact the crowd had gone by 11.40pm and that it wasn't a small crowd as described. They stated that they don't think it's acceptable even on a night like tonight with the football result that this sort of level of noise should be allowed in a purely residential area and that the behaviour of these customers is unacceptable, dangerous and no one (security or pub) was doing anything to discourage them. The complainant stated that the 3 TVs the pub have were so loud they could be heard throughout their house during the match. There are so many people allowed in their outdoor seating area that again, their noise can be heard in their house. Again, the smoke from the outdoor oven is intrusive and toxic and the complainant and their family have had to breathe it in everyday for countless hours at a time. They stated that they have had a sore throat all night from breathing it in. The complainant attached several videos to their email.

Video 1 -20 secs - Taken outside complainant's property - voices audible coming from garden area along with TVs - officer (CPX) felt these did seem to be louder than necessary.

Video 2 – 34 secs – lots of cars beeping as passing premises – continuous for 24 seconds but no evidence that these people are connected to the premises. Approximately 12 people near roundabout, voices audible.

Video 3 - 46 secs - car horns audible constantly, customers leaving, waving at traffic.

Email 3 - 01:34 - more videos attached.

Video 1 – 5 secs – Cars tooting, unable to tell how many people outside venue near roundabout – but not excessive.

Video 2 – 01:09 – Voices audible – cheering, singing 'England, England England' people standing in the road in front of moving cars trying to pass, pouring drinks over each other, one seen throwing a drink container – did not hear breaking glass so may have been paper or plastic. A couple of people have drinks in their hands as they leave.

Video 3 – 55 secs - Cars horns audible, males jumping on top of moving car driving past – very dangerous, running around with tops off and running in the road.

Email 4 – 01:36 - more videos attached.

Video 1 – 20 secs – Car horns audible, approx. 6 people outside premises.

Video 2 – 24 secs – Car horns audible, approx. 6 people outside premises, one male voice heard shouting.

08/07/21 – Officer (CPX) emailed C1 an update of officers visit regarding smoke issue and a link via which to report smoke complaints in future.

08/07/21 – Email from C5 advising they were not witness to any issues that worried them during the football.

08/07/21 – Email from police giving details of visit made during football match on 07/07/21. Licensing officers from North Area and the Central Licensing Team attended the premises at around 20:00. 300 people in the beer garden throughout the England game. Three door supervisors present, police felt they needed more, lack of consideration for the neighbours and glass bottles in the garden area – police felt only plastics should have been used outside during football. DPS and Manager spoken to in relation to this.

08/07/21 – Email from PLH to Officer (CPX) who said police had told her to have 6 door staff on Sunday but she feels 6 is not necessary and asked Officer if 4 would be ok.

08/07/21 – Officer (CPX) emailed police asking them to phone her to discuss email from PLH.

08/07/21 – Email from police (EE) stating in their opinion 4 is not enough and suggesting 6-8 given previous numbers seen. They also stated that they felt the capacity of the garden needed to be dramatically reduced as it was incredibly loud and very close to residential premises.

08/07/21 – Holding email sent to PLH by Officers (CPX) whilst waiting to hear back from Central Police Team. Advised that ratio for door staff to customers is usually 1:50 and that if they do not want to employ additional door staff they could reduce the capacity to meet the 1:50 ratio. Four 4 door staff would mean reducing the capacity to 200, 3:150 etc. Also recommending door staff wear high visibility jackets/armbands to make their presence more obvious. The Officers advised the PLH that the feedback from one of the residents praises their intervention but all suggest that the door staff themselves were not effective. Officer asked if they will be using the same security staff on Sunday. PLH advised they have contacted the company to see if they can get more door staff. Asked if legal requirement. Officer confirmed not a legal requirement or condition of the licence but very strong recommendation. PLH confirmed that they have secured 4 door supervisors so far from 6pm to 11.15pm.

Friday 09/07/21 – Officer (CPX) and Officer from Central Licensing Team (DW) discussed police visited to premises on Wednesday. Concerns raised - very residential area, lots of noise from customers chanting etc very young crowd, however seemed good humoured at time of visit. This could easily change if England lose on Sunday and premises need to prepare for that possibility. DPS no longer there this needs sorting ASAP. Glass wear being used inside and glass bottles seen outside - common sense would say use plastic only and decant everything from glass bottles into plastic on Sunday. Door staff - no confidence in them and insufficient number, seen standing chatting on phones – recommend they wear high visibility jackets to make them identifiable. Regarding number of door staff - the PLH needs to decide on this number based on their Risk Assessment. Recommend Risk Assessment is available to view. Too many people using outside area – consider reducing this number. Staff need to control people who are leaving to ensure drinks are not taken when they leave and that customers are not running around in the road. It is for the PLH to tell us how she is going to manage those attending the premises, again this should be covered by their Risk Assessment.

09/07/21 — Police (DE) phoned DPS (MW) and followed this up with an email regarding issues highlighted during the England Semi Final on Wednesday evening when Police Officers visited the Premises. The DPS confirmed that he is still the

Designated Premises Supervisor and will remain so in the near future but that his sister Eimear will soon be applying to become the DPS. They also spoke about the Pizza Oven in the rear car park area of the premises and the need to submit a minor variation application. In regards to security at the premises the Police Officer stated that officers visiting during the match witnessed 3 SIA security personnel none of whom could be readily identifiable from any other patrons as they all wore black and were not wearing reflective jackets or armbands. Out of the 3 witnessed 2 were seen being inattentive on mobile telephones and not watching for the safety of patrons or the premises. The Officer (DE) suggested the DPS carry out a risk assessment and employ a sufficient amount of security personnel to handle patrons. On the night Officers visited at least 200-250 patrons were present in the rear 2 marquee areas outside and 40-50 in the bar area, 240 patrons (being conservative) covered by 3 security staff seemed insufficient in the Officers opinion. A ratio of 1 SIA to 50 patrons is the standard. The Officers suggested the DPS implement high visibility jackets/lanyards to be worn by SIA and for them to be actively vigilant and attentive throughout the premises and rear area and visible at closing time actively moving patrons on and discouraging noise related issues. The Officer also advised plastic drinks containers be used throughout entire premises and rear marquee areas on match days. The DPS agreed to implement these measures at the final game on Sunday but stated that they are unable to control customers who wish to celebrate once they have left the immediate vicinity and have walked into the public area away from the public house. The Officer advised that should the visible presence and deterrent of SIA security outside the premises fail to stop any issues then they are to call 999 in an Emergency or 101 if not to request police assistance if appropriate. The DPS advised that they would be passing on all this information to Eimear and all staff working at the Winchmore over the weekend.

09/07/21 – Officer (CPX) updated residents via email advising they are aware that complaints do not just relate to match days. However, this has had to become their main focus over the last week. Encouraging residents to continue with their open communication with the premises as it shows that the PLH has been advised of the concerns residents have raised. Officers have also made the Premises Licence Holder aware of complaints that have been received. The Premises Licence Holder is aware that the Licensing Authority and Police Licensing Team are meeting to discuss their joint concerns about the increasing number of complaints being received about the premises.

Tuesday 13/07/21 – Email from C4 with 2 attachments. Unable to open them so requested they be resent in a different format.

Wednesday 14/07/21 – PLH submitted a Transfer application in error – should have been a Vary DPS application.

Friday 16/07/21 – Formal warning letter emailed to PLH's by Officer (CPX). **See Appendix 3.** The letter set out the types and numbers of complaints received since the licence was last varied and reminded the PLH's of the relevant licence conditions and consequences of breaching conditions or undermining the licence objectives. The letter also set out eight issues which they needed to address. The letter included the following warning:

'Please take this letter as a formal warning that if the advice is not followed, complaints continue and officers witness activity that undermines the licensing objectives the Licensing Enforcement Team will be left with no choice but to submit a Premises Licence Review Application'.

The letter also asked that the PLHs respond to the letter by Friday 30th July 2021 setting out the measures they have put in place to address each of the eight issues

along with any other information they believe to be relevant.

The eight issues identified were:

- 1. DPS has left Vary DPS required Advised on 07/07/21.
- 2. Licence plan is not accurate Minor variation required Advised on 07/07/21 legal requirement.
- 3. Recommend that residents be provided with a direct contact number for the DPS.
- 4. Recommended the carpark be turned back into a carpark as the outside drinking area appears to be the main contributor to the noise issues.
- 5. Customer demographic has changed and are a much rowdier crowd than those the premises attracted prior to lockdown. If current staff are unable to control the behaviour of customers, it may be more staff training is required, Door Supervisors are required and the DPS needs to be present at peak times to identify the issues and find appropriate solutions.
- 6. Dispersal issues. Other than during one of the recent football matches there appears to be no evidence of staff outside at closing time monitoring dispersal and intervening when appropriate.
- 7. Loud Music. Not only can loud music undermine the Prevention of Public Nuisance licensing objectives it can lead to a Noise Abatement Notice being served under the Environmental Protection Act 1990. A breach of a notice is a criminal offence.

Friday 16/07/21 – Temporary Event Notice submitted for Sunday 25th July 23:00 – 00:00. See Appendix 4a-b.

Saturday 17/07/21 - 00:28 - Out of Hours Licensing Enforcement Team observations – arrived outside premises and parked near carpark. No sound audible from premises. 00:32 - walked past premises. Only 2 members of staff seen talking at the bar. No customers.

Sunday 18/07/21 - Email from C4 advising they have had another weekend of noise and cars parked in their driveway. They advised it is now 9.30am on a Sunday morning and they can hear children screaming and music from a party at the premises.

Monday 19/07/21 – Police Licensing Officer (DE) contacted the PLH about the TEN that had been submitted asking if they intend to employ SIA security for the event. The Officer recommended that it would be prudent to do so as the event was an after party with patrons having moved onto the premises after attending a local festival where they may have been drinking.

19/07/21 – Police received a reply from the PLH stating that the event organiser was providing security for the evening, 2 confirmed and has requested a third. They will be on the premises from 7.45pm and leaving after dispersal, the latest 12.30.

19/07/21 – Reply to warning letter from PLH setting out the action they are taking. See Appendix 5a-b.

In relation to the eight issues to be addressed they state:

- 1. DPS HAS LEFT: I made the application last week on behalf of Celtic Cross Ltd to transfer the application into my licence.
- 2. LICENCE PLAN; I have measurements of the seating huts, pergola and pizza hut, I will submit these in the next two days with the application and fee.

- 3. COMPLAINTS: I am happy for you to pass on my number to any resident who wants it. (Eimear xxxxxxxxxxxx) I would also like to have their number so I am aware of who is calling.
- 4. CARPARK: The marquee is being removed today. I spoke with xxxxxi last Friday when she was at the children's class and informed her.
- 5. CUSTOMER DEMOGRAPHIC: I believe this will revert back to our normal custom now that the marquee has gone. We are happy to ask for IDs and enforce "Think 25". I will get more signs to display. I cannot foresee us having any trouble and the need for door supervisors every weekend. I will review this once we are back to normal trading but I would very much hope this is not a necessity with our regular patrons.
 6. DISPERSAL ISSUES: I will retrain everyone on our dispersal policy and ensure
- 6. DISPERSAL ISSUES: I will retrain everyone on our dispersal policy and ensure they are outside doing what we have in our policy. As mentioned above the dispersal at the weekend was very good and this should continue.
- 7. LOUD MUSIC: The music level is monitored on each road adjacent to the pub. I will ensure that this continues. If there is music in the function room all windows will remain closed. Background music in the beer garden will be turned off by 11pm.

 8. SMOKE: Mentioned above about training for lighting the oven. See certificate for oven attached.
- **19/07/21** Officer (CPX) emailed PLH acknowledging receipt of the response and advising that officers would continue to monitor any complaints received. The officer advised that they would task further officers observations to see if there is an improvement in dispersal and that they would update the residents as to the action they are taking and pass their contact number on to them. Officer stated that they would ask residents to send the PLH their contact details as requested but obviously cannot force them to do so.
- **19/07/21** Officer (CPX) emailed residents advising warning letter sent to the PLH identifying eight issues which the premises licence holder needs to address and details of the action the PLH proposes. The officer also passed on the contact number for the PLH and notified residents of the TEN.
- **19/07/21** Email from C1 asking if residents can object to the TEN. Advised the consultation for TENs only goes to the Police and Environmental Health, members of the public cannot object. Officer (CPX) has been in contact with the police to discuss the TEN and as the premises licence holder has confirmed that there will be door supervisors throughout the event it was decided no objections would be submitted on this occasion.

Sunday 25/07/2021 – TEN in place.

- **22:46** Complaint from C6 regarding noise from the premises.
- 23:05 Email from C1 alleging that they witnessed youths enter their garden and retrieve a bag that must have been hidden there, drink something out of it, hide it in another neighbours garden then go into the premises. A video was also attached to the email which last 02:25 minutes. It showed 4 males standing at the bus stop on the opposite side of the road drinking out of a bottle, one male then put a bottle in a bag and put the bag in a garden. One of the males had a flag wrapped around him. They walked into the carpark area of the premises and out of site. As they entered the carpark one of the males appears to dump another bottle next to the trees to the right hand side of the car park entrance.
- **23:58** C4 reported noise issues to council online noise, swearing, people sitting of residents walls.

Email from C4 advising that they had experienced another weekend of screaming cars, litter being left on their wall twice, swearing and shouting in the carpark and outside the premises. They also advising that there had been two security but that they were just standing drinking in the carpark so had been no use.

Mon 26/07/21 - 00:11 - Email from C2 - expressing their concern that customers from the pub are walking onto neighbouring properties. Although the removal of the marquee has decreased the number of people sitting outside they do not feel it has done much in terms of the anti-social behaviour and clientele the premises is attracting.

00:56 – Anonymous noise complaint received relating to noise from people outside the premises.

01:06 – Email from C3 advising that they had messaged the PLH (EW) as there was a lot of disturbance which was still ongoing but had not had a reply and had not seen her outside the premises. The complaint also advised that the police had been in attendance around 20 minutes earlier. The complainant felt the premises needed to employ professional security until the client base reverts back to the former demographic. They felt the staff including door staff on duty that evening were unable to deal with the situation. The two security staff on duty were seen wearing high vis jackets but just went and sat on the wall and one of them took off the jacket. The complainant was of the opinion that the premises were just paying lip service to the council's previous recommendations and the resident's concerns.

01:23 – Further email received from C3 advising that they had needed to call the police due to the frenetic shouting, banging and the fact that at least one of the crowd was standing on top of the bus shelter when a police car and two police vans arrived on the scene. The noise woke their children.

01:35 – Email from C1 advising they have seen 5 police cars and 2 police vans attend the premises tonight over this crowd and that police were still on the scene trying to disperse customers.

02:06 - Email from C1 attaching 4 video clips.

Video 1 - 12 seconds - Police car outside premises, approximately 10 males seen near the bus stop outside the premises, one male shouting loudly.

Video 2 – 15 seconds – Three police cars and a police van parked outside premises, approximately 10 males outside, shouting audible.

Video 3 – 55 seconds – two police vans and 2 police cars outside premises. Approximately 15 males, lots of males voices heard shouting. Police speaking to them. One officer could be seen speaking to a bus driver who either couldn't get past or was reluctant to pull up at the bus stop so had pulled in before the bus stop.

Video 4 – 1 min 28 seconds – one police car outside premises, approximately 14 males near bus stop outside premises talking loudly and shouting. Police speaking to them. Second police car arrived followed by a police van. The complainant stated that they have phoned the premises after 12 to ask them why they're not moving the rowdy customers away from residential properties and was told that the premises had 5 people outside trying to control the noise. They advised that they called the premises again after 00:30, as the security staff had left and was told that the premises had handed the matter over to the police.

- **02:09** Email from C1 with a further video clip 41 seconds approximately 14 men and one woman standing at bus stop outside premises, men jumping around, sounds of a drum being banged and singing/chanting audible. The complainant is heard to say that it is now after 01:00 and 2 uber drivers have seen the crowd and driven straight past refusing to stop to pick them up.
- **02:12** Email from C1 advising they have more video clips, but they are too large to send.
- **02:12** Email from C4 attaching a video clip which shows a police van and a police car outside the premises. Police can be seen taking to a group of males standing at the bus stop on the opposite side of the road, there is another small group of males standing at the bus stop outside the premises. The complainant can be heard saying it is now 01:40 and the police have been called because of the noise and because the group have been jumping on the bus stop.
- **02:13** Email from C1 asking if the additional video clips would be of use.
- **09:38** Email from Cllr Levy to residents advising that officer (CPX) is on annual leave and that residents should decide if they want to submit a review or wait to hear back from Officer (CPX).
- **09:56** Email from C1 to Cllr Levy indicating that they would rather the council submit the review as they have already submitted their evidence to council officers.
- **10:08** Email from C1 to PLH advising her that customers were hiding drink in the residents gardens, coming outside., drinking it and then returning to the premises.
- 10:58 Email from C2 to Cllr Levy reiterating points made by C1.
- **12:06** Email from C4 to PLH forwarded to officer for information. The emails stated the PLH had left the premises leaving young female staff to deal with disgusting, obscene behaviour of customers. The email also notified the PLH that they had sent them a video showing the security staff sitting on residents walls drinking whilst chaos went on around them.
- 12:33 Email from Police Licensing Officer (DE) to Officer (CPX/EVG) notifying them that staff at the premises had called for police assistance at 00:29 on 26/07/2021. The caller stated that they had 20 aggressive people that they needed to disperse and that the security outside believed a fight would kick off, requested police assistance. The police had attended and dispersed the group. Officer (DE) phoned the DPS but it went to a recorded message with no voice mail facility so he called the premises and spoke to Miss Gill who identified herself as the manageress. She stated she was on duty at the time and that they'd had around 100-120 in the premises with the upper rooms dedicated to VIP Mauritian after party following a festival in Trent Park, these patrons wore wrist bands to differentiate them between other patrons. Two SIA security were on duty in high viz jackets. There was a DJ and music. It became "rowdy" at around 23:40 hours and the manageress shut the DJ down and requested the pub be cleared early. Egress became troublesome due in large part by the fact that 2 SIA staff were insufficient (Miss Gills words) and it appeared that a fight may break out so Miss Gill called Police in a pre-emptive attempt to stop any fighting before it started. It appears Police arrived, helped usher people away and anti-social behaviour in the form of shouting and general rowdy behaviour took place. The officer asked the manager to contact the DPS and tell them that both the Police and the Local Authority would be in touch. Although no substantiated criminal offences were witnessed the Officer was of the opinion that

this anti-social behaviour/disorderly behaviour and poor management of the premises was having a negative impact upon local residents.

Email from C5 stating that the disturbance started on Sunday night outside their house at 21.20. They stated that a member of the house had gone outside and asked the people to keep the noise down, one of them was just about to 'get nasty' when he looked down and saw the residents dog, apologised and they all went back up to the premises. The mess of glasses and various other detritus left outside the nearby flats had to be cleared up by one of the residents. The complaint described the disturbance as horrifying. It woke other members of their household just after 12 who videoed it all until well after 1.30. They had called the premises who said they were trying to deal with it. They also called the council and also the police who said cars were on their way. The complainant stated that they believe that the premises have proved that they cannot cope with their current licence and that when the premises is allowed to trade after 11pm they can never cope with the customers they attract. They went to on say that they believe that they have allowed them enough chances to prove they can control the situation, clearly they cannot.

- **16:46** Email from C1 in response to email above. Agreeing with comments made and stating that the premises have had enough chances to make this work and that the premises never works with late opening and having functions. They believe the premises cannot control their customers and feel they washed their hands of the problem at 12.30am with the PLH leaving her young staff to deal with it alone. The complainant wants the licensed hours to be reduced and music and the use of the function room to cease.
- 17:42 Email from C7 advising that they have a video on which can be heard the police warning those outside the premises that they are drunk and disorderly and could be arrested. The police told them to move on which they didn't do for an hour. The complainant also stated that at around 22:00 3 of the group were by the bus stop smoking cannabis and the smell got into their child's bedroom. Another male was seen urinating at the bus stop. They then returned to the pub having finished smoking. The complainant stated that the next morning there were several empty tequila bottles by the bus stop. The complainant stated that the DPS was not seen and Eimear was not contactable.
- 17:56 Email from C5 suggesting residents hold a meeting to discuss the premises.
- 18:02 Email from C8 who advised that his parents sleep at the back of the house so are not normally affected by noise but that on this occasion they were and were unable to get back to sleep until 4am. Furthermore, the following morning they noticed that the lid to their Garden Waste bin was missing and suspect it was taken by the inebriated customers.
- **18:04** Email from C9 advising they also have videos of the incident and that they called the premises at 00:50 and were advised that staff were outside trying to control the noise. The complainant also called the police who arrived in around 5 minutes but took a while to control the noise. They stated that things didn't settle down until just after 3:00am.
- **18:24** Email from C2 to Cllr Levy regarding possibility of a licence review.
- **18:26** Email from C10 advising that they were woken at 1am by the crowd of people outside the bus stop by the pub using the bus shelter as a drum and shouting. The police arrived to disperse the crowd. The complainant felt this was not normal behaviour and that the customers appeared to be under the influence of drugs.

19:01 – Email from C1 to other residents regarding a residents meeting.

20:52 – Email from C11 – advising that their son was woken at 01:10 by this disturbance and did not get back to sleep until 05:30. This incident follows the disturbance and threatening behaviour of customers from the premises that took place after the England Germany football match on 29th June. The complaint stated that activity taking place outside the premises scares their children. They went on to say that they had made the local community police aware of the fight and threatening behaviour that took place at around 19:45 on the 30th April by people attending an event at the pub that spilled out on to the street and that they are also affected by customers blocking driveways - incidents occurred on the following dates: 12th April, 18th April, 23rd April, 16th May, 22nd May, 5th June and 2nd July. The majority have been reported to parking enforcement and Enfield council Traffic department.

21:40 – Email from C3 advising they are seeking independent legal advice.

Friday 30/07/2021 – 22:26 – C4 contacted the Out of Hours Noise Team in relation to loud music and noise from customers shouting and screaming outside the premises. The officer called the complainant at 22:35 and this was audible whilst they were on the phone. 22:55 – the officer phoned the premises and spoke to a manager who advised that she would sort it out.

Saturday 31/07/2021 – 00:57 - Email from C4 advising that customers can be heard shouting and screaming in the car park, no one answering the pub phone and no-one there asking them to leave quietly.

Tuesday 03/08/2021 – Licensing Authority meeting with Police Licensing Team. Agreed Licensing Authority will submit a licence review application which police will support and Police and Environmental Health will both object to future TENs. Also discussed with Principal Licensing Officer (EVG). Notified PLH and residents of intentions. Chased up Vary DPS and Minor Variation applications. PLH advised these had already been submitted. Unfortunately, it seems these had been submitted in a format the Licensing Team could not access so had not been processed. The applications were resubmitted that day. The plan was not clear so officer (CPX) advised it be redone and resubmitted. In relation to the review the PLH stated they 'understand the position the pub is in. The event was a wrong one to take on'.

Wednesday 04/08/2021 – Officer (CPX) emailed PLH (Eimear) advising that she has not updated the address details on her personal licence, explained how to do this and that it is a legal requirement. Done the same day.

Email from C3 – advising that last Friday they contacted the premises as the music was so loud they thought it was coming from the beer garden (it was not). Unfortunately the phone was not answered so they sent the PLH - Eimear a text and the volume was then turned down and/or the doors and windows closed. The complainant stated that it is frustrating that these criteria were put on the licence to ensure the local residents were not disturbed in this way and would be so easy to adhere to but they seem to be regularly disregarded.

IN SUMMARY

16th April 2021 - 12th August 2021

Complaints:

People noise 16

Loud Music 9 (16/04/21 – stat nuisance but no notice issued

as turned off)

Smoke Issues 4 Drug use/dealing 4 Parking Issues 4 2 Urinating in the street 1 Fiahtina

1 (porch) Damage to property

Cigarettes butts/ glasses/bottles in residents gardens 2

Complaints received in relation to Temporary Event Notice – people noise, anti-social

behaviour 12

Some complainants who contacted officers for the first time following the TEN then went on to mentioned previous issues they had not reported at the time and have not been included in the figures shown above.

Complaints have been received from residents on Winchmore Hill Road, Church Hill and Houndsden Road

Location:

The premises is located next to a roundabout which leads to Winchmore Hill Road, Eversley Park Road, Church Hill and Houndsden Road which are all residential streets. There are blocks of flats opposite the main entrance, behind and beside the car park/beer garden, and residential houses opposite the premises and adjoining the premises. Systems need to be in place to ensure that noise from the premises and those arriving and leaving do not disturbed local residents.

The Deregulation of Entertainment

At certain times and in certain situations live and or recorded music is not deemed to be 'regulated entertainment'. For example, The Live Music Act 2012 disapplies live music related conditions if the following criteria are satisfied:

- There is a premises licence or club premises certificate in place permitting 'on
- The premises are open for the sale or supply of alcohol for consumption on the premises;
- Live or recorded music is taking place between 8am and 11pm;
- If the live music is amplified or recorded, the audience consists of no more than 200 people.

Live music also ceases to be classed as regulated entertainment under the Licensing Act 2003 if the above criteria are satisfied.

Recorded music in on-licensed premises benefits from the same exemption as live music above, with the same audience limit.

Any conditions attached to a licence relating to the music therefore do not apply at these times/in these situations. However, on review of a licence this can be overturned as shown below:

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – April 2018:

Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension74 and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

The Licensing Authority recommends that under section 177A(4) the conditions relating to music on this licence be amended and that Section 177A should not apply to them.

Conclusion:

It appears that the fears and concerns raised by residents during the last Licence Variation Hearing have come true – See **Appendix 2** for minutes of meeting.

At that variation hearing the Licensing Sub Committee legally had to base their decision on what was actually happening at the time not what could happen in the future so the application was granted in part and residents were made aware of the possibility of submitting a licence review application should problems occur.

The Licensing Authority appreciates that the last 18 months have been a difficult time for the licensed trade with ever changing Covid regulations and then the busy Euro Football Tournament. We have now seen the lifting of lockdown and the end of the Euros yet the premises licence holders still do not appear to have introduced sufficiently effective systems to prevent residents from being disturbed by activities taking place at and people attending the premises.

As can been seen in this review application residents have often contacted the premises directly to try and resolve the issues with them before contacting the council. The Premises Licence Holder cannot say that they were not aware of the issues. The PLHs and their staff have been spoken to by residents, Safer Neighbourhood Officers, Police Licensing Officers, Out of Hours Noise Officers, Licensing Enforcement Team Officers and still disturbances continue.

This review application demonstrates the great strength of feeling among local residents about this premises and how unfortunately they no longer see it as a local community premises but one that is creating public nuisance and disorder in the local area and negatively impacting their home lives.

As well as the issues mentioned above, on investigation it appears that the named DPS may no longer have been working at the premises, home address details on a personal licence were not up to date and the plan attached to the licence was not upto-date all of which an experienced PLH/DPS should know need addressing

immediately as they are legal requirements. This PLH can no longer be seen as inexperienced as they have held a licence for this premises since 2015.

The Premises Licence is held by a company and there are two Directors who are brother and sister. One Director was the DPS until recently and now the other is the DPS. Unless specifically advised to be there neither appear to be at the premises during peak times i.e. Friday and Saturday evenings up until everyone has dispersed. This is surprising given the volume of complaints being received.

Staff admit that they have acquired a new client base since reopening after lockdown and that they are harder to deal with. Staff appear scared and have had to call the police as they are unable to cope.

The PLHs have acknowledged that noise levels have increased and that this is disturbing the local area. It appears they have insufficient trained staff available to adequately manage and control the new clientele. When the premises have employed door supervisors (at the advice of the police) they appear to have been ineffective.

Despite being aware of the problem the PLHs don't seem to realise that they are responsible for what goes on at the premises and that they need to take action to address issues as soon as they become aware of them. Instead it appears they are relying on residents, council officers and police officers to tell them how to manage their premises.

If the licence holders are unable to control the behaviour of their customers, then customers will need to leave at a time when ambient noise levels are already higher and residents are less likely to be disturbed.

The Licensing Authority therefore recommends that the licensed hours on Friday and Saturdays be reduced as set out below:

Activity	Current Hours	Recommended Hours
Open	09:00 – 23:30 Sun – Thurs	9
	09:00 – 00:30 Fri - Sat	09:00 – 23:30 Fri - Sat
Alcohol (on sales)	10:00 – 23:00 Sun – Thurs	
	10:00 – 00:00 Fri - Sat	10:00 – 23:00 Fri - Sat
Plays	09:00 – 00:00 Fri - Sat	09:00 – 23:00 Fri - Sat
Live music	09:00 – 23:00 Sun – Thurs	3
	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat
Recorded music	09:00 – 23:00 Sun – Thurs	
	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat
Performance of dance	09:00 – 23:00 everyday	No change
LNR	23:00 – 00:00 Fri - Sat	Remove from licence

At the time of writing the plan attached to the premises licence is still not accurate – first advised 07/07/21. If a suitable application to address this is not submitted before this review is heard then the Licensing Authority would also recommend that the licence be suspended until this has been actioned. The plan forms part of the licence and must legally be accurate.

There is no legal requirement for the DPS to be on site at all times, however guidance states that they should have day-to-day control over the sale of alcohol. Given the issues that are occurring at the premises, particularly around dispersal the

Licensing Authority would expect to see the DPS on site to manager these issues. If not the DPS then a fully trained manager or personal licence holder.

The Licensing Authority also recommend that the conditions attached to the licence be updated as shown below:

Current Conditions:

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. A digital CCTV system must be installed in the premises complying with the following criteria:
- (a) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas.
- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Cameras viewing till areas must capture frames not less than 50% of
- (d) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- (e) Cameras must capture a minimum of 16 frames per second.
- (f) Be capable of visually confirming the nature of the crime committed.
- (g) Provide a linked record of the date, time and place of any image.
- (h) Provide good quality images colour during opening times.
- (i) Operate under existing light levels within and outside the premises.
- (j) Have the recording device located in a secure area or locked cabinet.
- (k) Have a monitor to review images and recorded picture quality.
- (I) Be regularly maintained to ensure continuous quality of image capture and retention.
- (m) Have signage displayed in the customer area to advise that CCTV is in operation.
- (n) Digital images must be kept for 31 days.
- (o) Police will have access to images at any reasonable time.
- (p) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.
- 3. A member of staff trained in operating CCTV shall be at the venue during times open to the public.
- 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
- (f) any visit by a relevant authority or emergency service.

- 5. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
- 6. All staff shall receive induction and refresher training (at least every six months) relating to the times and conditions of the premises licence.

Amend to: All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.

- 7. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 8. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
- 9. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.
- 10. All external doors and windows shall be kept closed when regulated entertainment (i.e. recorded and live music) takes place after 23:00, except in case of an emergency and for access/egress.

Amend to: All external doors and windows shall be kept closed when recorded and or live music takes place, except in case of an emergency and for access/egress.

- 11. Staff shall monitor customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance.
- 12. When regulated entertainment, including recorded and live music, is taking place, regular boundary noise checks at the perimeter of the premises shall be conducted to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Amend to: When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

13. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.

14. No customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

Amend to: No customer shall be allowed to use any external area of the premises after 22:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time

15. There shall be no more than 10 persons using the designated smoking area after 23:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.

Amend to: There shall be no more than 10 persons using the designated smoking area after 22:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. The designated smoking area shall be marked on the licence plan.

16. Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by 22:00, unless attending a private function when they will be permitted to remain on the premises until close.

Amend to: Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by 21:00, unless attending a private function when they will be permitted to remain on the premises until close.

- 17. The carpark shall be locked no later than 30 minutes after closing time to prevent members of the public remaining/parking in the car park after the premises has closed.
- 18. 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.

Add the following:

- Section 177A of the Licensing Act 2003 does not apply to this premises licence.
- A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.
- The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
- A telephone line must be made available that will be answered by staff throughout the hours of operation and at least half an hour after closing. The telephone number for this must be provided to local residents upon request. Staff must be trained on this condition and the importance of answering calls.

- At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
- Staff shall walk around the outside of the premises and ensure that all bottles/glasses and other premises related litter is collected prior to closing every day.
- At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.
- The premises shall have a written dispersal policy. All staff shall be fully trained in the policy. The training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- A minimum of two door supervisors shall be employed on the premises on Friday and Saturdays from 20:00 until the premises has closed and also on any occasion that the function room is used for licensable activities. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors (or marshals) shall be easily identifiable by wearing high visibility jackets or armbands.
- Any door supervisor employed must be from an SIA approved contractor scheme.
- A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night. This log must be kept for at least six months and must be made available to Police or Local Authority employees on request.
- There shall be no entry or re-entry of patrons to the premises after 22:00 hours on Friday and Saturdays with the exception of those people who have gone outside to smoke
- The premises will have an over 21s entrance policy on Friday and Saturdays from 21:00 with all under 21s leaving before this time unless attending a private function in the upstairs function room when they will be permitted to remain on the premises until close.

Suspension of Licence:	Y
Revocation of Licence:	N
Recommended period of suspension (max	3 months):
At the time of writing the plan attached to the prer first advised 07/07/21. If a suitable application to this review is heard then the Licensing Authority r suspended until this has been actioned.	address this is not submitted before

Please tick if yes

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

NO not this

If yes please state the date of that application

Day	Month	Year

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

January 2012 – New Application – Licensing Authority recommended conditions. June 2016 – Variation Application - Licensing Authority recommended alternative time and additional conditions.

January 2021 - Variation Application – Licensing Authority recommended conditions.

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

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

Part 3 – Signatures (please read guidance note 3)

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



Signature:

Date: 12th August 2021

Capacity: Senior Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

If you would prefer us to correspond with you using an e-mail address your e-

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

30

Notes for Guidance

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

 This is the address which we shall use to correspond with you about this
- application.



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: The Winchmore

235 Winchmore Hill Road

London N21 1QA

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 12/08/2021:

24/08/21 - Vary DPS granted.

01/09/21 - Minor Variation to update plan granted. **The Licensing Authority is** therefore no longer recommending that the premises licence be suspended.

03/09/21 - Meeting via Teams to discuss review - Charlotte Palmer (Licensing Authority), Eimear Walsh (PLH/DPS), Mark Walsh (PLH), George Domleo (Licensing Solicitor).

The Licensing Authority acknowledged that at the time of the meeting complaints appeared to have ceased since this licence review was submitted. This may in part be due to poorer weather conditions in August meaning less people wanted to sit outside particularly in the evening and that they were less likely to want to stand around outside the premises at closing time. During the meeting the PLHs were asked if they had done anything differently since receiving the review which could have led to this improvement. The PLHs believe the reason for the improvement could be attributed to the following:

The marquee had been removed, the carpark is back to being a carpark, the Euro Football Tournament is over and nightclubs have reopened meaning the new younger customers have stopped attending this premises. They stated that their regular customers have returned, they are back to being a more food lead business. They believe their usual older customers were slower to return as they were more cautious following the lifting of lockdown. They also now have a more experienced manager who has worked with them for 2 years but has recently been promoted to Manager. He is older than the previous managers and is present at the premises in the evening a lot more. They also advised that they have carried out additional staff training particularly around dispersal issues. When asked they stated they had not been employing door staff other than during the football tournament and the Temporary Event Notice (TEN).

The Officer (CPX) requested a copy of their dispersal policy and details of their minimum staffing levels be sent to them after the meeting.

During the meeting the proposed amended hours and conditions were discussed. Detailed below is what is agreed, not agreed and some alternatives offered by the PLHs.

Hours

Activity	Current Hours	Recommended Hours	Agreed / Not Agreed
Open	09:00 – 23:30 Sun – Thurs	No change Sun – Thurs	Not Agreed
	09:00 – 00:30 Fri - Sat	09:00 – 23:30 Fri - Sat	
Alcohol	10:00 – 23:00 Sun – Thurs	No change Sun – Thurs	Not Agreed
(on sales)	10:00 – 00:00 Fri - Sat	10:00 – 23:00 Fri - Sat	_
Plays	09:00 – 00:00 Fri - Sat	09:00 – 23:00 Fri - Sat	Agreed
Live music	09:00 – 23:00 Sun – Thurs	No change Sun – Thurs	Agreed
	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat	
Recorded	09:00 - 23:00 Sun - Thurs	No change Sun – Thurs	Agreed
music	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat	
Performance	09:00 – 23:00 everyday	No change	Agreed
of dance			
LNR	23:00 – 00:00 Fri - Sat	Remove from licence	Agreed

The agreed hours would take the hours back to those that were in place prior to the last licence variation application. The opening hours and alcohol hours did not change as part of that variation.

Conditions:

6. All staff shall receive induction and refresher training (at least every **six** months) relating to the times and conditions of the premises licence.

Amend to: All staff shall receive induction and refresher training (at least every **three** months) relating to the times and conditions of the premises licence.

Agreed

10. All external doors and windows shall be kept closed when **regulated entertainment (i.e. recorded and live music) takes place after 23:00**, except in case of an emergency and for access/egress.

Amend to: All external doors and windows shall be kept closed when **recorded and or live music takes place**, except in case of an emergency and for access/egress.

Agreed.

12. When regulated entertainment, including recorded and live music, is taking place, regular boundary noise checks at the perimeter of the premises shall be conducted to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Amend to: When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six

months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Agreed.

14. No customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

Amend to: No customer shall be allowed to use any external area of the premises after 22:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

Not agreed. Alternative offered by PLH:

The service of drinks to customers in the external area shall cease at 22:30 and no customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

This condition was changed as part of the last variation. The Licensing Authority proposed amendment would change it back.

15. There shall be no more than 10 persons using the designated smoking area after **23:00**. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.

Amend to: There shall be no more than 10 persons using the designated smoking area after **22:00**. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. The designated smoking area shall be marked on the licence plan.

Not Agreed

This condition was changed as part of the last variation. The Licensing Authority proposed amendment would change it back.

16. Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by **22:00**, unless attending a private function when they will be permitted to remain on the premises until close.

Amend to: Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by **21:00**, unless attending a private function when they will be permitted to remain on the premises until close.

Not Agreed – no alternative submitted as yet although there was some discussion around a possible amendment to allow accompanied children who are at the premises to consume a table meal to stay until 22:00.

Add the following:

a) Section 177A of the Licensing Act 2003 does not apply to this premises licence.

Agreed

b) A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.

Not Agreed

c) The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

Not Agreed

d) A telephone line must be made available that will be answered by staff throughout the hours of operation and at least half an hour after closing. The telephone number for this must be provided to local residents upon request. Staff must be trained on this condition and the importance of answering calls.

Agreed

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

Agreed

f) Staff shall walk around the outside of the premises and ensure that all bottles/glasses and other premises related litter is collected prior to closing every day.

Agreed

g) At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.

Not agreed. Alternative Offered by PLH:

From 20:00 hours on Friday and Saturday at least one personal licence holder shall be on duty and until all customers have left the premises.

h) The premises shall have a written dispersal policy. All staff shall be fully trained in the policy. The training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

Agreed

 A minimum of two door supervisors shall be employed on the premises on Friday and Saturdays from 20:00 until the premises has closed and also on any occasion that the function room is used for licensable activities. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors (or marshals) shall be easily identifiable by wearing high visibility jackets or armbands.

Not agreed. Alternative Offered by PLH:

The premises will risk assess the need for door supervisors. When on duty at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands

j) Any door supervisor employed must be from an SIA approved contractor scheme.

Not agreed

k) A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night. This log must be kept for at least six months and must be made available to Police or Local Authority employees on request.

Agreed

There shall be no entry or re-entry of patrons to the premises after 22:00 hours on Friday and Saturdays with the exception of those people who have gone outside to smoke.

Not agreed.

m) The premises will have an over 21s entrance policy on Friday and Saturdays from 21:00 with all under 21s leaving before this time unless attending a private function in the upstairs function room when they will be permitted to remain on the premises until close.

Not agreed

03/09/2021 Email from PLH's agent confirming what is and isn't agreed. See **Appendix 6.**

03/09/21 - Out of Hours Noise Team Observations (MW) -23:30-23:50 - Outside premises on opposite side of road. People were leaving but there was no excessive noise of anti-social behaviour.

04/09/21 – 23:15 – 00:01 – Out of Hours Noise Team Observations (CLB). Observation on opposite side of the road from premises – Winchmore Hill Road. Road traffic the dominant noise, many cars passing location at speed. During period of no traffic officer could hear speech from outside area of premises but wasn't that loud. When there was no road traffic the officer could clearly hear music playing. No antisocial behaviour outside premises. No one standing outside premises. Appeared customers remaining inside. At 23:32 four males walked past premises talking loudly –

not customers. 23:35 – when no traffic officer could hear 'Abba – Dancing Queen' playing. Bell rang at 23:48. Music and voices audible when no traffic passing. Three males walked pass premises talking loudly at 23:56 – not customers.

18/09/2021 – 23:00 – Out of Hours Noise Team received a complaint relating to noise from loud music, people shouting and swearing. 23:18 Noise Officer (MW) phoned the complainant who advised that it had been particularly loud earlier but that now the music had gone off and the people noise had stopped. No visit made to premises.

24/09/2021 – 23:25 – 00:20 - Out of Hours Licensing Enforcement Officers (CT/JI) visited the premises and carried out an unannounced full licence inspection. On arrival it was very quiet outside. There were no people around and no noise from anything other than traffic. The officers were not sure whether the premises was open or closed as there were no customers visible inside the premises and just what appeared to be staff working - clearing up. The officers walked around to the back to the garden, all was empty except 3 males drinking at one of the tables opposite the back doors just past the smoking area. The officers walked inside and asked for the manager. Brian Watkinson met them, and they carried out a full license inspection. The premises still had a small group of female customers inside and they left quietly via the back of the premises whilst the officers carried out the inspection. The following points were raised:

- Part A instead of B of the licence was displayed.
- Brian advised that the DPS had moved within the last week so was not sure if the address details for the DPS were correct. Agreed to check and confirm.

Conditions

- 2(b) Camera 2 was out which covered head shots of customers entering via main entrance. Brian advised this had been reported.
- (m) It was not obvious if there were signs warning people they were being recorded on CCTV so this was to be checked again by the management.
- (n) Officers tried to view footage back to 31 days but it only showed footage up to 21 days.
- 4 No incident log could be found on site.
- 6 & 7 Training and records not seen.
- Noise checks done for 11/9/21 and log seen but no area to write any comments. Suggested to alter so they can add comments if found noisy what action taken etc.
- There were 3 males outside in the garden area with drinks at 23:25. This area should be monitored as its not permitted after 23:00, can only be used as a smoking area.

An inspection report was given to and signed by staff. See **Appendix 7**. Area quiet on leaving.

25/09/2021 – Email received from DPS providing training records (conditions 6 & 7). See **Appendix 8**.

27/09/2021 – Dispersal Policy received – See Appendix 9.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Palmer

Signed: Date: 28/09/2021

Appendix 1.

MUNICIPAL YEAR 2020/21 REPORT NO.

COMMITTEE:

Licensing Sub-Committee 10 March 2021

REPORT OF:

Principal Licensing Officer

LEGISLATION:

Licensing Act 2003

Agenda - Part

Item

SUBJECT:

Application for a Variation of a Premises Licence

PREMISES:

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

WARD:

Southgate

1 LICENSING HISTORY:

1.1 The Winchmore is a long-standing premises operating as a pub, bar and restaurant, and has previously been known as The Willow. There is a substantial licensing history which is set out below.

LICENCE 1 - LN/200501025

- 1.2 On 8 August 2005 an application by Mr Keith Freeman to convert an existing Justices On Licence and an existing Public Entertainment Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 21 February 2007 an application by **Messrs Phidias and Simis Kouttis** to transfer the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4On 17 June 2010 application was made by the **Trading Standards Service** (which is the Weights & Measures Responsible Authority for the borough) for a review of the Premises Licence.
- 1.5 The review was made on the grounds of the prevention of crime and disorder.
- 1.6 The authority considered that it is necessary, for the promotion of the licensing objectives to revoke the licence. This decision was appealed, but the magistrates Court dismissed the appeal.

LICENCE 2 - LN/200800171

1.7On 1 March 2008 an application by **Messrs Phidias and Simis Kouttis** for a new Premises Licence (for usable areas of the Ground and First Floors), that was subject to representations from the Environmental Health Service, from the Trading Standards Service and from 63 (sixty-three) Interested Parties, was granted-in-part by the Licensing Sub-Committee.

- 1.8 The licence was reviewed in June 2010 by Trading Standards following a significant number of complaints relating to loud music, people noise, unlicensed activities and alleged breach of conditions.
- 1.9 The hours of the licence for some activities were reduced and the conditions amended. An appeal was launched but was subsequently dismissed by the Magistrates Court.
- 1.10 On 7 March 2013, the premises licence was transferred into the name of Star Pubs & Bars Limited, 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ.
- 1.11 On 10 June 2015, this premises licence was surrendered.

LICENCE 3 - LN/201500123

- 1.12 On 4 February 2015, a new application was granted by the Licensing Sub-Committee, naming Star Pubs & Bars Limited, as the premises licence holder. This application reflected the times and activities of LN/200800171 but with an up to date plan.
- On 3 June 2015, a transfer application and a Vary DPS application which were not subject to any representations, were granted by officers in accordance with delegated powers, naming Celtic Cross Limited, as the premises licence holder and Mr Mark Walsh as the Designated Premises Supervisor (DPS).
- On 27 July 2016, a variation application to extend the licensable hours was granted by the Licensing Sub-Committee. This application was subject to representations from six local residents objecting to the extension. For more information on this application and outcome, click here or visit http://governance.enfield.gov.uk/mgAi.aspx?ID=37532
- 1.15 A copy of the most up to date Premises Licence is attached as Annex 1.

2.0 THIS APPLICATION:

- 2.1 On 15 January 2021 an application was made by Celtic Cross Limited for a variation of premises licence LN/201500123.
- 2.2 The Company Directors of Celtic Cross Limited are Mr Mark Walsh and Ms Eimear Walsh (correct of 1 March 2021).
- 2.3 The Designated Premises Supervisor is still Mr Mark Walsh.
- 2.4 The application seeks the following:
 - To extend the terminal hour for the sale of alcohol on Sunday to midnight;
 - Extend the terminal hour for live and recorded music on Friday to Sunday to midnight:
 - Permit late night refreshment on Sunday from 23:00 to midnight;

- Extend the opening hours to allow the premises to close on Sunday at 00:30 the following day;
 - Remove all existing Annex 2 and Annex 3 conditions and replace with new conditions.

Table 1

Activity	Existing hours on Premises Licence (LN/201500123)	Hours Applied For on Variation
Opening hours	Sunday to Thursday 09:00 to 23:30 Friday & Saturday 09:00 to 00:30	Monday to Thursday 09:00 to 23:30 Friday to Sunday 09:00 to 00:30
Supply of alcohol (on and off)	Sunday to Thursday 10:00 to 23:00 Friday & Saturday 10:00 to 00:00	Monday to Thursday 10:00 to 23:00 Friday to Sunday 10:00 to 00:00
Plays (indoors)	Friday & Saturday 09:00 to 00:00	Friday & Saturday 09:00 to 00:00
Live Music (indoors)	Daily 09:00 to 23:00	Monday to Thursday 09:00 to 23:00 Friday to Sunday 09:00 to 00:00
Recorded Music (indoors)	Daily 09:00 to 23:00	Monday to Thursday 09:00 to 23:00 Friday to Sunday 09:00 to 00:00
Performance of dance (indoors)	Daily 09:00 to 23:00	Daily 09:00 to 23:00
Late night refreshment (indoors)	Friday & Saturday 23:00 to 00:00	Friday to Sunday 23:00 to 00:00

- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the application is attached as Annex 2.
- The premises is not located within one of Enfield's Cumulative Impact Policy areas.

3.0 RELEVANT REPRESENTATIONS:

3.1 **Metropolitan Police**: Representations were initially made, namely seeking modification of licence conditions. Those conditions have been agreed by the applicant, and therefore the representation was withdrawn.

- 3.2 **The Licensing Authority:** Representations were initially made, namely seeking modification of licence conditions. Those conditions have been agreed by the applicant, and therefore the representation was withdrawn.
- 3.3 **Other Persons**: Representations have been made in response to this application as follows:
- 3.3.1 19 representations from local residents known as Other Persons objecting to the variation application. These residents live on Winchmore Hill Road, Houndsden Road and Church Hill, and shall be referred to as IP1 to IP19. The objecting representations are presented in Annex 3. IP6 has provided video footage, the link is attached to the report.
- 3.3.2 2 representations from a ward councillor and a local resident in support of the variation application and shall be referred to as SUP01 to SUP02. The supporting representations are presented in Annex 4.

4.0 PROPOSED LICENCE CONDITIONS:

4.1 The conditions arising from this application can be found in Annex 5.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

- 5.1 The paragraphs below are extracted from either:
- 5.1.1 the Licensing Act 2003 ('Act'); or
- 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:

- 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)].

Hours:

The Government acknowledges that different licensing strategies may be appropriate for the promotion of the licensing objectives in different areas. The 2003 Act gives the licensing authority power to make decisions about

the hours during which premises can conduct licensable activities as part of the implementation of its licensing policy statement. Licensing authorities are best placed to make decisions about appropriate opening hours in their areas based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application.[Guid 10.13]

- Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Guid 10.14].
- The Council will deal with licensing hours on the merits of each individual application, again, only if relevant representations are made and there is a hearing to consider them. Applicants are expected to provide details of the measures they intend to take in order to promote the Licensing Objectives. [Pol s.8.1].
- The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise. [Pol s.8.2].
- However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].
- Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the licensed premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods. It is accepted that applicants' operating schedules may adequately provide for such circumstances and the Council will not seek to impose stricter conditions unless relevant representations are received, and a hearing takes place. [Pol s.8.4].
- The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work. [Pol s.8.5].

Recorded Music

5.12 Certain types of regulated entertainment have been deregulated since April 2015 [Guid Section 16], meaning existing conditions relating to those activities will not always be enforceable. Premises who are licensed to sell alcohol for consumption 'on' the premises are now automatically allowed to provide recorded music between 08:00 – 23:00 without the need for it to be named on the premises licence. The conditions relating to recorded music are therefore not enforceable during those times.

The Live Music Act 2012

5.13 The Live Music Act 2012 permits certain premises in certain circumstances to provide live music between 08:00 – 23:00 without the need for it to be named on a premises licence. Similarly, existing conditions relating to live music provided during those times are not enforceable.

Planning and Parking Enforcement

Reference has been made to alleged planning and parking breaches within some of the representations. Information relating to these issues cannot be taken into consideration for licence reviews. that in planning and licensing, one regime does not override the other – both permissions are required for the premises to trade lawfully.

Covid-19 Guidance

- On 26 March 2020, Regulations (now known as The Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020¹ (SI. 2020 No. 1374) introduced restrictions with a view to controlling the pandemic, and which became enforceable by law in England. These Regulations have been amended on a number of occasions since. Everyone is required to comply with these Regulations issued by the government in relation to coronavirus, in order to protect both themselves and others.
- 5.16 Reference has been made to social distancing and other Covid-19 control measures being non-compliant within some of the representations. These cannot be taken into consideration for the purposes of licence applications.

Decision:

- As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits. [Guid 9.37].
- 6.1.1 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:
- 6.1.1.1 the steps that are appropriate to promote the licensing objectives;
- 6.1.2 the representations (including supporting information) presented by all the parties;
- 6.1.3 the guidance; and
- 6.1.4 its own statement of licensing policy [Guid 9.38].
- Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.2.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives:
- 6.2.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
- 6.2.3 to refuse to specify a person in the licence as the premises supervisor;
- 6.2.4 to reject the application [Act s.18].

Background Papers:

None other than any identified within the report.

Contact Officer:

Ellie Green on 020 8379 8543

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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:

- 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:

- 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.

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

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.
- I. 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:

- 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
- 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

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

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.
- 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.

- 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.

- 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

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

for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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

2. The 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."

- The Licensing Sub-Committee resolved that the application be GRANTED IN PART.
- (i) Licensing Hours and Activities:

Opening hours	Sunday to Thursday 00:00 to 0	
	Sunday to Thursday 09:00 to 2	3:30

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

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.





Celtic Cross Ltd Woodgate House 2-8 Games Road

Enfield EN4 9HN

Sent by email to:

Please reply to: Charlotte Palmer

Email: Charlotte.palmer@enfield.gov.uk

Phone:

Textphone:

Fax:

My Ref: Wk/220087033

Your Ref:

Date: 16th July 2021

FORMAL WARNING

Dear Eimear and Mark

The Winchmore, 235 Winchmore Hill Road, N21 1QA – LN/201500123 Licensing Act 2003

I write to you as the Directors of Celtic Cross Ltd – the Premises Licence Holder of The Winchmore, 235 Winchmore Hill Road, N21 1QA.

As you will be aware from our previous correspondence, both the Licensing Authority and the Police are concerned about the increasing number of complaints being received about your premises. Residents have made enquiries about having the premises licence reviewed.

I have gone through all of the complaints received about your premises by Enfield Council since the licence was last varied i.e. 10th March 2021 and take this opportunity to share my findings with you:

16th April 2021 to 9th July 2021

Number and Type of Complaints:

People noise 15

Loud Music 7 (16/04/21 – a statutory noise nuisance was witnessed

from a residents property, but a notice was not served)

Smoke Issues 4

Drug use/dealing allegations 4 Parking Issues 4

Urinating in the street

Fighting 1 (13/06/21)

Damage to property 1 (neighbours porch) Cigarettes butts/ glasses in residents gardens 1

2

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

www.enfield.gov.uk

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

On many occasions when complaints have been received residents have copied you into their emails or have contacted the premises directly at the time problems were occurring. This open communication is very useful as it gives you the chance to deal with issues immediately.

You are reminded that the following condition forms part of the premises licence: **Condition 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
- (f) any visit by a relevant authority or emergency service.

You must ensure that your CCTV system is working correcting and that all points mentioned in the CCTV condition attached to the licence are complied with. This could provide invaluable evidence should there be an incident at the premises.

I have identified the following eight issues which I believe you need to address:

- 1. DPS has left Vary DPS required Advised on 07/07/21.
- 2. Licence plan is not accurate Minor variation required Advised on 07/07/21 legal requirement.
- 3. Complainants are open with you and try and speak to you first before contacting the council but it is alleged that the actions of staff are not affective and calls are often not answered. I recommend that residents be provided with a direct contact number for the DPS. Guidance states that the DPS should have day to day control over the sale of alcohol. I also recommend that the DPS be on site at peak times. In pubs this would usually be Friday and Saturday nights and at closing time when dispersal issues have been identified.
- 4. The carpark is currently being used for additional seating. As social distancing measures are lifting, I recommend the carpark be turned back into a carpark. The outside drinking area appears to be the main contributor to the noise issues. You have previously advised that this would be done at the end of July please provide a date for this and consider whether this should be moved forward. You have also previously acknowledged in emails that noise levels have increased and it is more disturbing for the local area.
- 5. Customer demographic has changed In emails it has been acknowledged that the customers the premises is currently attracting are much younger and a much rowdier crowd than those the premises attracted prior to lockdown. Staff have apparently

admitted finding it harder to deal with these customers. If current staff are unable to control the behaviour of customers, it may be more staff training is required, Door Supervisors are required and the DPS needs to be present at peak times to identify the issues and find appropriate solutions.

You are reminded that the following condition forms part of the premises licence: **Condition 8** - A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.

6. Dispersal issues. Other than during one of the recent football matches there appears to be no evidence of staff outside at closing time monitoring dispersal and intervening when appropriate. I am aware that Door Supervisors were employed during some of the recent football matches following advice from the police. Will you be employing Door Supervisors at any other times? If so when? I recommend Door Supervisors be employed on Friday and Saturday nights until 30 minutes after closing or until all customers have left the immediate vicinity. I also recommend that Door Supervisors wear high visibility jackets so that they are easily identifiable. Door Supervisors would be able to stop people leaving with drinks which may otherwise end up dumped in neighbouring gardens. It may also be useful to have a written dispersal policy that staff can be trained to follow.

You are reminded that the following conditions forms part of the premises licence: **Condition 11 -** Staff shall monitor customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance.

Condition 18 - 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.

7. Loud Music. Not only can loud music undermine the Prevention of Public Nuisance licensing objectives it can lead to a Noise Abatement Notice being served under the Environmental Protection Act 1990. A breach of a notice is a criminal offence.

You are reminded that the following conditions form part of the premises licence: **Conditions 9** - Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.

Conditions 10 - All external doors and windows shall be kept closed when regulated entertainment (i.e. recorded and live music) takes place after 23:00, except in case of an emergency and for access/egress.

Condition 12 - When regulated entertainment, including recorded and live music, is taking place, regular boundary noise checks at the perimeter of the premises shall be conducted to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

8. Smoke. Complaints have been received in relation to smoke coming from the pizza oven located in the garden area. I am aware that you have met with the Commercial Nuisance Officer regarding this matter. Please continue to work with him and follow his advice.

Failing to comply with conditions attached to the Premises Licence is a criminal offence and each breach carries an unlimited maximum fine and/or six month imprisonment or both. Failing to comply with the terms and conditions of the premises licence can also lead to a review and possible revocation of the premises licence.

I am aware that the Covid 19 Pandemic has been an extremely challenging time for the licensed trade and that recently the focus will have been on managing customers during the Euro 2020 tournament. However, complaints do not just relate to match days. As Covid 19 restrictions are now lifting your main focus must be on tackling the eight issues raised in this letter.

The Police and the Council both have a graduated approach to enforcement meaning Officers work with premises to achieve compliance and resolve issues through advice and education before taking more formal action. As such I have set out my advice and recommendation in this letter in the hope that voluntarily following this advice will prevent the need for a licence review, a situation I am sure you would hope to avoid.

Please take this letter as a formal warning that if the advice is not followed, complaints continue and officers witness activity that undermines the licensing objectives the Licensing Enforcement Team will be left with no choice but to submit a Premises Licence Review Application.

Please respond to this letter by **Friday 30th July** 2021 setting out the measures you have put in place to address each of the eight issues listed above along with any other information you believe to be relevant.

Yours sincerely

cpalmer.

Charlotte Palmer - Senior Licensing Enforcement Officer

cc: NAMailbox-.Licensing@met.police.uk



Temporary Event Notice

Before completing this notice, **please read the guidance notes** at the end of the notice. If you are completing this notice by hand, please write legibly in block capitals. In all cases, ensure that your answers are inside the boxes and written in black ink or typed. Use additional sheets if necessary. You should keep a copy of the completed notice for your records. You must send at least one copy of this notice to the licensing authority and additional copies must be sent to the chief officer of police and the local authority exercising environmental health functions for the area in which the premises are situated. The licensing authority will give to you written acknowledgement of the receipt of the notice.

I, the proposed premises user, hereby give notice under section 100 of the Licensing Act 2003 of my proposal to carry on a temporary activity at the premises described below.

1. The personal det	tails of premises user (Pleas	e read note 1)
1. Your name		
Title	Mr Mrs Miss M	Is Other (please state)
Surname	WALSH	
Forenames	EIMEAR	
2. Previous names	(Please enter details of any	previous names or maiden names, if applicable.
Please continue on	á separate sheet if necessar	y)
Title	Mr Mrs Miss M	Is Other (please state)
Surname		
Forenames		
3. Your date of birt		Day Month Year
4. Your place of bir		
5. National Insurance		
Your current add separate correspond		ess to correspond with you unless you complete the
separate correspond	lence box below)	
	, ,	
Post town		Postcode
7. Other contact deta	ails	
Telephone numbers Daytime		
Evening (optional)	The state of the s	
Mobile (optional)		
Fax number (optional	al)	
E-Mail address		
8. Alternative address address to correspon		ou complete the details below, we will use this
THE WIV	ICHMORE PUI	3
235 1	VINCHMORE	HURD
	ψ	
Post town	nou	Postcode N21 (QA

9. Alternative contact details (if	applicable)
Telephone numbers:	
Daytime	
Evening (optional)	
4 1 1	4
Mobile (optional)	*
Fax number (optional)	
	The state of the s
E-Mail address	
	6 10
- A	
2. The premises	
Please give the address of the pr	emises where you intend to carry on the licensable activities or, if
it has no address, give a detailed	description (including the Ordnance Survey references)
(Please read note 2)	
THE WINCH	MARERUR
THE WINCE	VOCE 1 300
	А у
Does a premises licence or club	premises certificate have effect in relation to the premises (or any
	ise enter the licence or certificate number below.
	and different of definitions administration
Premises licence number	LN 201500123
Club premises certificate number	
If you intend to use only part of t	the premises at this address or intend to restrict the area to which
	description and details below. (Please read note 3)
LICOT OI	, S - 1
WHOLE PI	AD.
Please describe the nature of the	premises below. (Please read note 4)
12	0.477
- Public Hous	E, FUNCTION ROOM ER GARDEN
L RE	TR GARDEN
7 00	
Please describe the nature of the	event below (Please read note 5)
r lease describe the nature of the t	event below. (I lease lead note 3)
	
CULTURAL	EVENT
CUCTURAL	RINKS + MUSIC GATHERING
12 AALL PITIAN DI	einks + music (747710~ 1)
WHUKITH	7 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4 4

The accusable activities		
Please state the licensable activities that you intend licensable activities you intend to carry on). (Please		lease tick all
The sale by retail of alcohol		
The supply of alcohol by or on behalf of a club to, of the club	or to the order of, a member	
The provision of regulated entertainment (Please r	read note 7)	
The provision of late night refreshment		P
Are you giving a late temporary event notice? (Plea	se read note 8)	
Please state the dates on which you intend to use the activities. (Please read note 9)	ese premises for licensable	+
25th July 2021		*
Please state the times during the event period that ye (please give times in 24 hour clock). (Please read no		ble activities
23.00 — 00.0	one time that you intend to	0
allow to be present at the premises during the times licensable activities, including any staff, organisers on note 11)		200.
If the licensable activities will include the sale or supply of alcohol, please state whether these will	On the premises only	
be for consumption on or off the premises, or both (please tick as appropriate). (Please read note 12)	Off the premises only	
	Both	
	- Ba	
Please state if the licensable activities will include the please state the times during the event period that yo (including, but not limited to lap dancing and pole date.)	u propose to provide relevant ancing). (Please see note 13)	entertainment
music to play in from with 00	the function	co
Sale of alcohol w	4:100:00	
Vale of alcoro		8

4. Personal licence holders (Pleas	se read note 14)		
Do you currently hold a valid pers (Please tick)	sonal licence?	Yes	No 🗆
If "Yes" please provide the details	s of your personal licence below.		
Issuing licensing authority	KN ENFIELD COUNC	11	
Licence number	LN / 201600946		
Date of issue			
Any further relevant details			
5. Previous temporary event notice apply to you)	es you have given (Please read note 15 and tic	k the bo	oxes that
Have you previously given a temp	orary event notice in respect of any premises ndar year as the event for which you are now?	Yes	No D
	t notices, if any) you have given for events in		
which the event period: a) ends 24 hours or less before; or	event period proposed in this notice?	Yes	No D
6. Associates and business collean	gues (Please read note 16 and tick the boxes tha	it apply	to you)
	temporary event notice for an event in the which you are now giving a temporary event	Yes	No I
	otal number of temporary event notices orary event notices, if any) your associate(s) alendar year.	7	
premises in which the event period: a) ends 24 hours or less before; or	given a temporary event notice for the same event period proposed in this notice?	Yes	No I
	in business carrying on licensable activities an event in the same calendar year as the gatemporary event notice?	Yes	No 📝
	tal number of temporary event notices orary event notices, if any) your business in the same calendar year.		
already given a temporary event not period: a) ends 24 hours or less before; or	in business carrying on licensable activities tice for the same premises in which the event event period proposed in this notice?	Yes	No ☑

and the second s	Please read note 17)	N/A
	e tick the appropriate boxes, where applicable)	
Sent at least of premises are s	one copy of this notice to the licensing authority for the area in which the	4
	f this notice to the chief officer of police for the area in which the	
Sent a copy of	f this notice to the local authority exercising environmental health he area in which the premises are situated	1
If the premise	s are situated in one or more licensing authority areas, sent at least one otice to each additional licensing authority	
If the premise:	s are situated in one or more police areas, sent a copy of this notice to	D
If the premises	s are situated in one or more local authority areas, sent a copy of this additional local authority exercising environmental health functions	
	sed payment of the fee for the application	102
	claration in Section 9 below	
Signed the dec	naration in Section 7 below	110
O Condition	Please read note 18)	
described in Se	n of this temporary event notice that where the relevant licensable activities of above include the sale or supply of alcohol that all such supplies a authority of the premises user.	
1	40 :	
9. Declarations	(Please read note 19)	(F) & V(s)
	n contained in this form is correct to the best of my knowledge and belief.	
The informatio	in contained in this form is correct to the best of thy knowledge and benef.	
Lundarstand the	at it is an offence:	
		oer:
	y or recklessly make a false statement in or in connection with this tempor	
	d that a person is liable on summary conviction for such an offence to a fin	ne or
any amount; an		
	unauthorised licensable activity to be carried on at any place and that a pe	
	ary conviction for any such offence to a fine of any amount, or to imprisor	nment
for a term not e	xceeding six months, or to both.	
Cianatuus		
Signature		
Data		
Date	14/07/21. EIMEAR WALSH.	
Name of	1777721	
Person signing	FIMERE WAISH	×:
reison signing	CIMICAR PUTICOTT	
For completion	by the licensing authority	* 1
10. Acknowled	gement (Please read note 20)	
I acknowledge r	eceipt of this temporary event notice.	
Signature		
	On behalf of the licensing authority	
Date		
NI		4
Name of		1.1
Officer signing		

Risk Assessment For The Winchmore Pub 25th July

The event on Sunday is a cultural gathering of around 100 people. I have stated 200 for the whole venue which is below capacity of 350 people during normal trading hours. The group gathering have use of our beer garden which holds 120 but we expect 50 people in the beer garden and the function room holds 80 and the ground floor to hold 85 seated. The function will host around 50 people until 11pm in the beer garden. Our marquee will be gone by this date and we will have parking available. Sunday evenings are normally quiet so we do not expect to have many customers in the main bar after 88pm when the event begins outside and upstairs.

The kitchen on the ground floor will be closed from 8pm and we will be serving pizza from our external pizza oven. Team members are trained in service of pizza. We will have 3 team members outside and 3 team members in the function room and another 2 in the main bar area.

All areas are well accessible with sufficient space. There are toilets on the ground floor and the 1st floor function room level for both male and female.

All noise emissions will be kept to a level that does not provide a nuisance to neighbours and or cause damage to the hearing of employees .

HAZARD	RISK TO WHOM	W	CONTROLS
Covid-19 Spread	Staff / customers		Sign in using track and trace app. Use hand sanitiser. Wear a mask when moving around. Try and stay with the same group. Wash hands thoroughly.
Assault/Violence	Employees Customers		Carry out training focused on dealing with problematic situations. Report all incidents in accident book
Noise nuisance	Local Residents		Ensure there is only background music on outside. All windows must be closed when music is playing in the function room. Carry out noise checks every hour. Ensure a quiet dispersal.
Passive smoking	Staff / customers	. 8	Smoking is prohibited in all enclosed spaces. Only 10 people in the designated smoking area after 11pm
Entry control	Staff / customers	×1	Entry refused to customers considered intoxicated, under age or unsuitable. Records of refusal to be kept

DJ music equipment	Customers / staff	Check wires sound without
		defect, no signs of over heating
The state of the s		on cables, correct fuse fitted,
		equipment PAT tested
Slips, trips & falls	Customers	Check furniture is in good
Falls from picnic benches, chairs		condition. Take damaged chairs
etc	**	or benches out of use
Collision of food handlers	Kitchen/ staff	Give clear signal of intention to
	151	others
Collision of children	Staff / customers	Be aware of children in public
	4 9 2	spaces
Cuts from crockery, glass,	Staff / customers,	Collect empty glasses on a tray or
bottles, serving dishes		only take what you can manage.
	4 4	Use dustpan to sweep up
		breakages. Wear protect gloves.
		Only put broken glass in a glass
	W _m	bin.
Fire	Staff / customers	Follow procedures in Fire Safety
		file .
		Complete evaluation plan
Chemicals	Staff	Train staff on use of chemicals
		for cleaning
Cash handling	Staff	Anyone carrying cash away from
	*	service areas at night to be
*		accompanied
		Cash drawers to be fitted out of
		reach to customers

From: To: Subject: Eimear Walsh Charlotte Palmer Re: The Winchmore 19 July 2021 10:02:18

Date: Attachments:

image001.png smokecontrolareas exempt appliances 112 20210707121512.pdf

Dear Charlotte,

It is unfortunate that we received a formal warning. We are working our hardest to work within our licence and to keep the residents happy.

PEOPLE NOISE: The marquee is being removed on Today; 19th of July. This will eliminate the extra volume of people that the residents were not happy with SMOKE ISSUES: Our oven is DEFRA approved and all is working fine with the oven, the chefs have been trained in lighting the oven and they have a video to hand of such if they need a refresher. I submitted the paperwork for the oven to Mr Islam.

DRUG USE/DEALING ALLEGATIONS: I am not aware of any drug use or drug dealing on our premises, There are notices up to say we do not tolerate either and our staff are continually monitoring the behaviour of customers.

URINATING IN THE STREET: I can't tell if the people urinating were from our pub or not. One particular night we had a big influx from southgate. Our last 3 England games saw very quick and successful dispersals. The weekend just gone was on point too. We will continue to clear the road around our pub at closing time.

FIGHTING: We will make sure we are monitoring the intake of alcohol of our customers and ensure where possible that the peace is kept.

DAMAGE TO PROPERTY: I was not made aware of this

CIGARETTE BUTTS/GLASSES IN RESIDENTS GARDENS: People shouldn't be leaving with glasses as we give out plastics and we have used plastic throughout the football games but I will address this with the team and make sure we are all vigilant to people leaving with any glasses.

Issues to be addressed:

- 1. DPS HAS LEFT: I made the application last week on behalf of Celtic Cross Ltd to transfer the application into my licence.
- 2. LICENCE PLAN; I have measurements of the seating huts, pergola and pizza hut, I will submit these in the next two days with the application and fee.
- 3. COMPLAINTS: I am happy for you to pass on my number to any resident who wants it. (Eimear I would also like to have their number so I am aware of who is calling
- 4. CARPARK: The marquee is being removed today. I spoke with Tenzi last Friday when she was at the children's class and informed her.
- 5. CUSTOMER DEMOGRAPHIC: I believe this will revert back to our normal custom now that the marquee has gone. We are happy to ask for IDs and enforce "Think 25". I will get more signs to display. I cannot foresee us having any trouble and the need for door supervisors every weekend. I will review this once we are back to normal trading but I would very much hope this is not a necessity with our regular patrons.
- 6. DISPERSAL ISSUES: I will retrain everyone on our dispersal policy and ensure they are outside doing what we have in our policy. As mentioned above the dispersal at the weekend was very good and this should continue.
- 7. LOUD MUSIC: The music level is monitored on each road adjacent to the pub. I will ensure that this continues. If there is music in the function room all windows will remain closed. Background music in the beer garden will be turned off by 11pm.
- 8. SMOKE: Mentioned above about training for lighting the oven. See certificate for oven attached.

If you would like any further information please do let me know. I hope I have answered all your questions satisfactorily and I will endeavor to work my hardest to train the team on all licencing objectives to enforce such and to work with the community to keep the peace

I look forward to hearing from you and I hope we can resolve these issues.

Kindest regards, Eimear

On Fri, 16 Jul 2021 at 16:17, Charlotte Palmer < Charlotte.Palmer@enfield.gov.uk > wrote:

Dear Eimear and Mark,

Please see letter attached.

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

T: 0208 132 2004

Website: www.enfield.gov.uk

Protect the Environment - Think Before You Print.

Department for Environment, Food & Rural Affairs

▼ Defra

▼ Domestic AQ 2020 Regulations

▼ Smoke control areas

- ▶ Authorised fuels
- ▶ Exempt appliances
- ▶ Search for fuels & appliances

Appliance: Bushman Medium Commercial Pizza Oven

« Return to Exempt Appliances

The appliances listed below are exempt in the relevant country or countries when using the specified fuel(s), when operated in accordance with the instruction and installation manuals and when any conditions are met.

6.5	Download as PDF Download as CS
4 - 4 - 7	
ppliance name	Bushman Medium Commercial Pizza Oven
Output	n/a
uel Type	Wood based
ppliance Type	Pizza Oven
Manufacturer	Dingley Dell Enterprises Ltd, PO Box 3534, Kidderminster, Worcestershire, DY14 9ZE
The fireplace must be ins	stalled, maintained and operated in accordance with the following specifications
nstruction manual	See conditions if applicable
nstruction manual late	See conditions if applicable
nstruction manual eference	See conditions if applicable
nstallation manual itle	See conditions if applicable
nstallation manual late	See conditions if applicable
nstallation manual eference	See conditions if applicable
Additional conditions	Instruction manual dated January 2011, reference: MCOINST
Permitted fuels	Wood logs¹
ngland Status Date first exempt	Exempt (Footnote 4) See Footnotes or SI Link
Vales Status Date first exempt	Exempt (SI 2015 No.1513) See Footnotes or SI Link
Scotland Status Date first exempt	Exempt (Footnote 6) See Footnotes or SI Link
N. Ireland Status	Exempt (Footnote 8)

Footnotes

Page 90

- 1. The fuel must not contain halogenated organic compounds or heavy metals as a result of treatment with wood-preservatives or coatings.
- The conditions of exemption have been amended to remove references to fuels which are either no longer available or which cannot be used without contravening the Environmental Permitting (England and Wales) Regulations 2010 (S.I. 2010/675) or the Pollution Prevention and Control (Industrial Emissions) Regulations (Northern Ireland) 2013 (S.R. 2013 No. 160)
- 3. The Environmental Permitting Regulations (England and Wales) 2010 (SI 2010/675) may apply to the burning of some of
- 4. Previously exempted by The Smoke Control Areas (Exempted Fireplaces) (England) Order 2015 (SI 2015/307), no longer in force as of 1 October 2015. Now exempted by publication of this list by the Secretary of State in accordance with changes made to sections 20 and 21 of the Clean Air Act 1993 by section 15 of the Deregulation Act 2015.
- Exempted for use in England by publication of this list by the Secretary of State in accordance with changes made to sections 20 and 21 of the Clean Air Act 1993 by section 15 of the Deregulation Act 2015.
- Previously exempted by The Smoke Control Areas (Exempted Fireplaces) (Scotland) Regulations 2014 (SI 2014/316), no longer in force as of 30th June 2014. Now exempted by publication of this list by Scottish Ministers under section 50 of the Regulatory Reform (Scotland) Act 2014.
- Exempted for use in Scotland by publication of this list by Scottish Ministers under section 50 of the Regulatory Reform (Scotland) Act 2014.
- 8. Previously exempted by the Smoke Control Areas (Exempted Fireplaces) (No. 2) Regulations (Northern Ireland) 2013 (S.R. 2013 No. 292), as amended, no longer in force as of 10th October 2016. Now exempted by the publication of this list by the Department of Agriculture, Environment and Rural Affairs in accordance with changes made to Article 17(7) of the Clean Air (Northern Ireland) Order 1981 by section 16 of the Environmental Better Regulation Act (Northern Ireland) 2016.
- Exempted for use in Northern Ireland by publication of this list by the Department of Agriculture, Environment and Rural
 Affairs in accordance with changes made to Article 17(7) of the Clean Air (Northern Ireland) Order 1981 by section 16 of the
 Environmental Better Regulation Act (Northern Ireland) 2016.

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Defra Helpline Mon-Fri: 8am to 6pr

03459 33 55 77

Appendix 6

From: George Domleo

Sent: 03 September 2021 17:07

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

Cc:

Subject: The Winchmore

Hello Charlotte

Thanks again for your time earlier.

Please find below our agreed measures -

Reduction in hours

- 1. Reduce the terminal hour for live and recorded music on Friday and Saturday to 11pm (currently 11:30pm)
- 2. Reduce the terminal hour for the performance of plays on Friday and Saturday to 11pm (currently midnight)
- 3. Remove the provision of late-night refreshment (sell hot food and drink) after 11pm on Friday and Saturday

Modification of existing conditions

- 6. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence
- 10. All external doors and windows shall be kept closed when recorded and or live music takes place, except in case of an emergency and for access/egress
- 12. When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
- 14. The service of drinks to customers in the external area shall cease at 22:30 and no customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

Further to our discussion, we would ask for conditions 15 and 16 to remain as existing. Condition 16 would mean accompanied under 18s until 10pm (even if dining), unless attending a private function when they will be permitted to remain on the premises until close.

Addition of new conditions

- 1. Section 177A of the Licensing Act 2003 does not apply to this premises licence.
- 2. A telephone line must be made available that will be answered by staff throughout the hours of operation and at least half an hour after closing. The telephone number for this must be provided to local residents upon request. Staff must be trained on this condition and the importance of answering calls.
- 3. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
- 4. Staff shall walk around the outside of the premises and ensure that all bottles/glasses and other premises related litter is collected prior to closing every day.
- 5. From 20:00 hours on Friday and Saturday at least one personal licence holder shall be on duty and until all customers have left the premises

- 6. The premises shall have a written dispersal policy. All staff shall be fully trained in the policy. The training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 7. The premises will risk assess the need for door supervisors. When on duty at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands
- 8. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night. This log must be kept for at least six months and must be made available to Police or Local Authority employees on request.

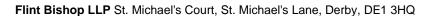
Regards

George

George Domleo

Associate Licensing







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REF: WK/

LICENSING ENFORCEMENT INSPECTION REPORT

LICN_1

Premises Name	the windre	re .
Premises	235 word	
Address Time of Visit:		Finish: 12:20 pam.
	·	
Part B of Premises L	icence displayed? PLH & DPS on licence correct?	Yes No (If incorrect, insert new details below)
Conditions of licence	CHECKEU!	Yes No Des word to
No. of condition not in compliance		Evidence/Advice Class
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	nd just day + 1	worta.
14	At 11:30 pm trere	wer 3 males driving
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	snokey Calkhal	t drinks) is the smoking
	orea.	
12.	The murie me	outong los steet reed
Any other matter(s) to	hat need addressing: Le rec	at any actions taken. Lat commens laction con
Sade 3	weeks. Repair	cover 2+ extend recordy
La 21 L		
4. Incida	nt los should	se available
G+7 AU	training records	should be available
You are required to ha	ave the above matters attended to with	hindays of this notice. Failure to rectify the above gal proceedings being brought against you.
LICENSING ENFOR		RECIPIENT OF NOTICE
Print Name of Office	ers in Attendance:	Signature
Clavo		Print Name & Position:
Joseph	I Islam.	BRIAN WATKINSOW.
Charlotte Palmer, Sen	es relating to this report please contact nior Licensing Enforcement Officer via rlotte.palmer@enfield.gov.uk	Email(Tel:
		w.enfield.gov.uk/services/business-and-licensing/
A 1	METROPOLITAN	ENEIEI D





TEMPORARY EVENT NOTICES

All TENS applications must be kept on file until the event is over. It is often good to keep a log of how many you use throughout the year so you are able to allocate them to the most important events.

FIRE EVACUATION PROCEDURES

Take copies of your evacuation procedures from your fire file and keep them in your licensing as another place of reference for your staff.



THINK 25 DOCUMENTATION

Keep the Think 25 brochure in this folder for staff to refer to. It can also be used as a training tool. Get all staff to sign the declaration form that accompanies this brochure.

NOISE MONITORING AND RECORDING

Carry out a written noise check for your records on your busy nights.

- Find set points outside your pub where your staff can stand at intervals throughout the evening and check to see if the noise is at a reasonable level
- Write down where you stood, what time you stood there, what you heard, any action you took to change the noise levels
- Make note of any other outside noise that you may get blamed for later, for example, local residents having a party, noisy crowds outside another venue
- It is not always necessary to use a DB monitor, it is better to have a subjective opinion as to whether you thought the noise was acceptable, or not. If it was not acceptable, write down the actions you took to make it acceptable, such as turning the volume down or shutting a window



Please sign below to confirm you have completed your induction/3 monthly refresher training relating to the sale of alcohol and the times and conditions outlined on our Licence here at The Winchmore.

Also confirming you have completed the test on the reverse.

Signed: Mah wall

We are delighted you have you work as part of our team and we hope you take your responsibilty surrounding the sale of alcohol and all the conditions on our licnce seriously. We are all part of a team and it is of up most importance to us to respect our neighbourhood and be an integiral part f our community here in Winchmore hill,

Mark & Eimear

		,
BRIAN WATKINSON	Khohin m	12/04/21.
CEYLA SEUM	Con Casoli	12/04/21.
Carron Cognax	auto	12/04/21
RHIAN GILL	Rwar all	12/04/21
RACHEL PULESTON	RPY	1 04/21
	N .	
	v	

WINCHMORE.



Please sign below to confirm you have completed your induction/3 monthly refresher training relating to the sale of alcohol and the times and conditions outlined on our Licence here at The Winchmore.

Also confirming you have completed the test on the reverse.

Signed: Mak wash

Mark & Eimear

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Brian Warningon Fredric 24/08/21

CEMBA SELIM ANGOLOGIC 24/08/21

CANCICOGUS CAMBON 24/08/71

Rebecua stanger A. 24/08/71

Sadie Le Bas Hobas 24/8/21

OTICI Ball ORCH 24/08/21

Alchie Curile 20 24/08/21

Tishara Montague Najan 28/08/21

Myah Dujon Miyan 28/08/21



Please sign below to confirm you have completed your induction/3 monthly refresher training relating to the sale of alcohol and the times and conditions outlined on our Licence here at The Winchmore.

Also confirming you have completed the test on the reverse.

Signed	2	
Signed	English and the second	

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Mark & Eimear

		1
OLIVER LISLE	Olicare	28/08/21
PACHEL PULSTON	PP	28/08/21
Katy Gannon	Shanna	21:09:21
		9



Please sign below to confirm you have completed your induction/3 monthly refresher training relating to the sale of alcohol and the times and conditions outlined on our Licence here at The Winchmore.

Also confirming you have completed the test on the reverse.

We are delighted to have you as part of our team and we hope you take your responsibility surrounding the sale of alcohol and all the conditions on our licence seriously. We are all part of a team and it is of the up most importance to us to respect our neighbourhood and be an integral part of our community here in Winchmore Hill

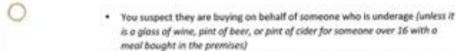
Mark & Eimear

EMPLOYEE NAME	EMPLOYEE SIGNATURE	DATE	MANAGER
CE YDA SELIM	Perposolin	18/02/19	
Sharma	S. Cochrances	18.2.19	
CAROLINE STEVENS	A	23.02.19	
allum Mcabe	H 199	23-02-19	
Hayden Kreetzur	H	23/02/19	
When wante.	Mable	23/02/19	

Appendix 8b

LICENSING TRAINING INFO





- You are concerned about the use of what you are selling them (e.g. if they've been arguing with someone, are still angry and immediately order a bottle of beer).
- · They are a police officer in uniform.

There is a refusal of service book in the compliance folder behind the bar. This must be filled in EVERY TIME someone is refused service, regardless of the reason for the refusal. The refusal sheet will be monitored weekly and signed by one of the management.

Drugs Awareness

We have signs displayed in the toilets and around the bar stating that we do not accept the use of drugs on the premises. Please be on the lookout for people acting erratically or who are visibly using drugs on-site. It is also important that the toilets are checked for signs of drug use at least every 2 hours after 7pm. There is a sign-off sheet in the compliance folder which MUST be filled in every time the toilets are checked.

The Legal Bit

- Test Purchasing is carried out by the police using underage volunteers who attempt
 to buy alcohol on licensed premises. The maximum penalty for serving someone
 under the age of 18 is a fine of £10,000 or 6 months in prison. The premises licence,
 and personal licenses of anyone on duty are also at risk.
- Any staff under the age of 18 must get consent from a staff member over the age of 18 to serve alcohol. You must get consent for every sale.
- The DPS must authorise every sale taking place-make sure you've signed the sheet in the compliance book.
- The sale of cigarettes is restricted to those over 18. The maximum fine for selling cigarettes to someone under the age of 18 is £5000.
- Failure to display a notice pertaining to the sale of cigarettes can lead to a fine of execu-
- Gambling machines may only be used by those over the age of 18.

3

WINCHMORE.

Please read below the conditions related to noise and live performances here at The Winchmore.

Sign below to confirm you have been informed and understand the terms of use.

All external doors and windows to be kept closed but not locked during regulated entertainment except for access and

2. All visiting performers providing live or recorded music at the premises shall be briefed prior to events taking place with regard to the promises licence conditions relating to noise and the use if the sound limiter. They must sign a booking form / protocol confirming they have been informed of and understand the terms of use. These booking forms: / protocols must me kept for its months and must be made available to an authorised officer I the Council or police, upon request. If regular performers are amployed this can be done on a monthly basis with times and dated being specified on a monthly basis with Stress and dates being specified on the booking form / protocol.

3. No speakers shall be predicted anywhere on the ground floor that has a glass rold.

4. No speakers shall be positioned in the outside areas.

5. The management shall make subjective assessments of noise levels outside at the perimeter of the premiers approximately half hourly from 20.00 until close, whilst regulated entertainment is provided to ensure that noise from the premises does not source a disturbance to local residente. Records shall be legal of the lines, dates and any trease discovered. These records shall be kept for one year, Records must be made available to an authorized officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises in exalitie at the perimeter, measures shall be taken to reduce this i.e. turning solune down.

SIGNED Mark Well

Time 100

Date 11-4-21

signed: much well

Times 11cm Dita & 24-8-21



Dispersal Policy

This policy is designed to provide guidance for the management and staff and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

- No customer shall be allowed to use any external area of the premise after 11pm, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.
- At 10:50pm customers are asked to move inside at 11pm.
- There are to be no more than 10 persons at any one time using the designated smoking area after 11pm. Notices shall be displayed in the area specifying the terms of its use and asking customers to respect the needs of local residents and to use the area quietly
- Prominent, clear and legible notices are displayed at all public exits from the premises requesting customers to respect the needs of local residents and to leave the premises and area quietly
- A member of staff is positioned in an area close to the main exit to oversee the end of night departure period.
- When there is a large number of customers leaving one of our team members walks outside with them to ensure they keep the noise down. Customers are asked not to stand around loudly talking in the street outside the premises
- Once the customers have left the premises, we continue to ensure they have left our garden and our carpark quietly
- Any taxis we call for customers we ask that they pick up in the car park to keep the noise down at the roundabout
- The car park is locked no later than 30 minutes after closing time to prevent members of the public remaining/parking in the car park after the premises has closed.

Annex 3



Licensing Authority

London Borough Of Enfield, Civic Centre Silver Street, Enfield, London, EN1 3XH Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW
PC Derek Ewart 1277NA
Derek.H.Ewart@met.pnn.police.uk
www.met.police.uk

8th September 2021

Supporting application for review of premises license at The Winchmore Public House, 235 Winchmore Hill Road, London, N211QA

Dear Licensing Team,

On behalf of the Commissioner of the Metropolis, I wish to make a representation to support the application to review the premises license of The Winchmore Public House, 235 Winchmore Hill Road, London, N21 1QA, and premises license number LN/201500123.

The objection notice is submitted under the following licensing objectives;

- 1. Prevention of Crime & Disorder
- 2. Prevention of Public Nuisance

The application to review the premises license is supported by the Police whom also wish to submit a representation to reflect this.

The premises, The Winchmore Public House is a public house embedded within a residential area consisting of both fully detached family homes and large three storey flats, it is situated next to a roundabout on a corner position with the roundabout having 3 residential roads off of it. It is fair to say the Public House is the only public house within the near vicinity sited wholly within a residential community.

Acting in conjunction with the Local Authority based upon complaints from the Residents within that community around antisocial behaviour and disorder caused by patrons of The Winchmore Public House and information and conversations with the management carried out during my role as a licensing officer regarding ongoing complaints I have conducted an intelligence trawl of Police indices (which consists of Computer Aided Dispatch messages i.e. calls from the public and partner agencies

Page 103

and information on indices input by officers) and have found the following in relation to the Premises(my actions and interactions as a result of any calls etc. are shown):

Search conducted between 08/05/2020 - 08/09/2021

CAD 5977/31MAY20

Informant states I'm not sure if the pub was open and serving but it appeared to be. The outdoor drinking garden was full of people with no social distancing. I'm a local resident and witnessed this as I was driving past.

Result: No result

YERT00442899 - 06JUN20

Officer's attention drawn to 10 MOP sitting at the front of the premises, sitting drinking plastic open pint cups of beer. Words of advice given which Mark, Manager, did seem to understand, but also made excuses like he was resentful that members of the public were allowed to sit in parks but could not sit in the beer garden.

CAD 6016/19JUN20

THERE IS A PUB ON THE END OF OUR ROAD AND THEY ARE DOING TAKE AWAY DRINKS - THERE IS ABOUT 40 PEOPLE STANDING OUT ON THE STREET DRINKING WHICH ISNT LEGAL.

Result: States scheduled for drive by. No result.

YERT0044258/25JUL20

Crime stoppers information states: Cocaine is being sold from The WINCHMORE Pub LONDON N211QA by ************* (Redacted info) of SOUTHGATE.

CAD 428/22DEC20 - Concern for Safety

CAD 109/07FEB20 - Suspicious Circumstances

CAD 174/09MAY20 - Suspicious Circumstances

CAD 8701/29MAY20 - ASB

Unable to retrieve CAD info. May be due to age of CAD.

CAD 6434/16APR21 Time: 1913

Caller says that there is horrendous noise coming from car park of the pub very loud music heard in the b/g there is a tent with about 600 people from in it. Usual noise issues. Caller says that the people are not sitting down and possibly not booked in either. COVID breaches.

Result: Officers have spoken to the landlord, we have seen the garden and although there is numerous people everyone is distancing correctly. No offence cad can be closed

Crime Report 5215302/21 - 13JUN2021

Assault outside pub resulting in victim bleeding from behind ear. CRIS is a skeleton due to victim not wishing to substantiate any allegations. Reported by London Ambulance Service. No further comments on CAD.

CAD 3715/26JUN21

Informant states had booked a table from 2200 to 0000 No staff were wearing masks & approx. 80% of did not wear masks to move around the pub for the full duration of our stay.

Result: E mail sent to Winchmore Safer Neighborhoods Team Sargent for possible follow up and to carry out a visit with LA & licensing. Incident took place last night but believed to be ongoing matter. SN will follow up and CAD can be closed.

7July21 Information via LBE and via residents of ASB at Location (England Semi Final)

Police visited location to conduct assessment finding football related "rowdy behavior "both inside the premises and in a car park area where a tent had been erected for the purpose of housing football fans.

Result: ASB Nuisance –reported back to Licensing (Police)

I subsequently (DE) telephoned the DPS (MW) and followed this up with an email regarding issues highlighted during the England Semi Final on Wednesday evening when Police Officers visited the Premises. The DPS confirmed that he is still the Designated Premises Supervisor and will remain so in the near future but that his sister Eimear will soon be applying to become the DPS. We also spoke about the Pizza Oven in the rear car park area of the premises and the need to submit a minor variation application. In regards to security at the premises I told (MW) that officers visiting during the match witnessed 3 SIA security personnel none of whom could be identifiable from any other People as they all wore black and were not wearing reflective jackets or armbands. Out of the 3 witnessed 2 were seen being inattentive on mobile telephones and not watching for the safety of patrons or the premises. I suggested the DPS carry out a risk assessment and employ a sufficient amount of security personnel to handle patrons. On the night Officers visited at least 200-250 patrons were present in the rear 2 marquee areas outside and 40-50 in the bar area, so little security covering that many patrons were insufficient. I stated that a ratio of 1 SIA to 50 patrons is the standard. I suggested the DPS implement high visibility jackets/lanyards to be worn by SIA and for them to be actively vigilant and attentive throughout the premises and rear area and visible at closing time actively moving patrons on and discouraging noise related issues. I advised that in light of the fact officers had witnessed glass bottles in the external area that plastic drinks containers be used throughout entire premises and rear marguee areas on match days. The DPS agreed to implement these measures at the final game on Sunday but stated that they

Page 105

are unable to control customers who wish to celebrate once they have left the immediate vicinity and have walked into the public area away from the public house. I advised that should the visible presence and deterrent of SIA security outside the premises fail to stop any issues then they were to call 999 in an Emergency or 101 if not to request police assistance if appropriate. The DPS advised that they would be passing on all this information to Eimear and all staff working at the Winchmore over the weekend when the final was on".

CAD 7210/09JUL21(LINKED TO CALL BELOW) Time: 2034

Informant states there a two men outside kicking the door. They appear to be having a heated debate with staff. "WHILE THEY WERE LEAVING THEY BECAME VERY AGRESSIVE AND WHEN ONE PERSON TOOK PICTURES". Venue have closed their doors and males have driven around corner in their car.

Result: Males left. As seen on linked, police no longer required.

CAD 7753/09JUL21 (LINKED TO CALL ABOVE)

Police called by venue and cancelled 4 minutes later as persons had left venue. No further issues

Friday 16/07/21 – Temporary Event Notice submitted for Cultural Event Sunday 25th July 23:00 – 00:00

This was granted on the proviso and contingent upon employment of sufficient SIA registered security personnel for the event as the nature of the event namely with patrons arriving from a community festival that may well have been drinking .All discussed and agreed with PLH

PLH confirmed event organiser would provide 2 maybe 3 security on the premises from 1945 hours and taking part in patron dispersal up until 0030Hours .Explained that this was a private wrist band controlled event with a separate private room upstairs in the premises. Previous issues discussed and reassurances provided that this event was cultural in nature and completely dissimilar to football related issues.

CAD 146/26JUL21

Police Called by RHIEAN at 00:29 Hours on emergency 999 who states

Information provided to police operator

"^INFT WE HAVE 20 AGRESSIVE PEOPLE THAT WE NEED DISPERSED AND THE

SECURITY OUTSIDE BELIEVE A FIGHT WILL KICK OFF AND NEED POLICE ASSISTANCE.FROM INFTORMANT "THEY ARE ALL MIXED GROUP OF ETHNICITY".

Result: No Fighting appears they are all waiting to go home

Acting upon this information I contacted the premises and spoke with the manageress the following was discussed and confirmed in email to LBE Licensing(1233hrs 26/07/21)

"I have called the DPS on the number shown for her –(redacted) this morning(1150hrs) and it goes straight to answer phone with no message facility .I then called the main landline number for the pub -0208 886 6389 and spoke with a Miss Gill who identified herself as the manageress .She states she was on duty last evening and they had around 100-120 in the premises with the upper rooms dedicated to VIP Mauritian after party goers from the festival in Trent Park ,these patrons wore wrist bands to differentiate between other patrons .The DPS employed 2 SIA security I high viz jackets .There was a DJ and music .It became "rowdy" at around 2340 hours and the manageress shut the DJ down and requested the pub be cleared early .Egress became troublesome due in large part by the fact that 2 SIA staff were insufficient (Miss Gills words not mine) and it appeared that a fight may break out so Miss Gill called Police I a pre-emptive attempt to stop any fighting before it started .It appears Police arrived helped usher people away and anti-social behaviour in the form of shouting and general rowdy behaviour to a greater or lesser degree took place.

I have informed the manager to contact the DPS and that both we the Police and the Local authority moving forward will be in touch .Moving forward I think we need to discuss a plan of action and the appropriate measures we need to take to bring this licensee back into line.

Whilst in essence the incident was yet further ASB with no substantiated criminal offences clearly this disorderly behaviour and poor management of the premises is having a negative impact upon the local neighbour (s)"

I wish to submit this representation under Prevention of Crime and Disorder and prevention of public nuisance.

The Designated Premises Supervisor and PLH hold certain responsibilities to uphold the Licensing objectives by ensuring there are sufficient safeguards in place within the day to day running of the premises and to manage and control risk in so far as practicable with regards to preventing disorder and preventing public nuisance that may impact the local residential neighbourhood that directly undermine the licensing objectives of Prevention of Crime and Disorder.

The PLH and DPS have agreed that due to a new younger patron demographic trend, the majority of which most are younger than 25 years old deciding to attend the premises following the lockdown some of whom who have come of age and not been able to attend a public house to socialise prior, have found the differing and somewhat Anti-Social behaviour challenging to manage and a such have been

unable to cope with inexperienced staff and apparently ineffective security measures in place . The burden therefore has fallen upon Police to attend in order to Prevent disorder and Public Nuisance with noise levels from revellers some of whom having had too much to drink spilling out onto the neighbouring streets and despite the late hour creating a public nuisance by shouting screaming ,standing on roofs of bus shelters ,sitting on neighbouring property walls and behaving in an unacceptable antisocial manner having no regard for the rights of local residents ,the inability and or Inaction of the licence holders has directly undermined the prevention of crime and disorder and the public nuisance objective . If allowed to continue unabated possible increasingly serious and tragic incidents may occur .

In light of the facts stated paying regards to the residential neighbourhood that has borne the brunt of this ineffective patron management (Especially late at night) it is felt in agreement with the LBE, that in order to control the limitation of public nuisance the licencing hours should be reduced on a Friday And Saturday as shown and submitted below .This reduction would be less likely to disturb neighbours.

Activity	Current Hours	Recommended Hours
Open	09:00 – 23:30 Sun – Thurs	No change Sun – Thurs
	09:00 – 00:30 Fri - Sat	09:00 – 23:30 Fri - Sat
Alcohol (on sales)	10:00 – 23:00 Sun – Thurs	No change Sun – Thurs
	10:00 – 00:00 Fri - Sat	10:00 – 23:00 Fri - Sat
Plays	09:00 – 00:00 Fri - Sat	09:00 – 23:00 Fri - Sat
Live music	09:00 – 23:00 Sun – Thurs	
	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat
Recorded music	09:00 – 23:00 Sun – Thurs	No change Sun – Thurs
	09:00 – 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat
Performance of dance	09:00 – 23:00 everyday	No change
LNR	23:00 – 00:00 Fri - Sat	Remove from licence

Additionally We also agree with the LA and recommend that the conditions attached to the licence be updated as shown below:

- A noise limiting device shall be installed to any amplification equipment in use on the
 premises and shall be maintained in effective working order. The noise limiter should be
 set so that noise does not emanate from the premises so as to cause a nuisance to
 nearby properties.
- The noise limiter shall be recalibrated annually to ensure that the music volume does not
 exceed the level at which a noise nuisance to neighbours will occur. A copy of the
 calibration certificate shall be kept on the premises and made available to the Police or
 Council Officer on request.
- A telephone line must be made available that will be answered by staff throughout the
 hours of operation and at least half an hour after closing. The telephone number for this
 must be provided to local residents upon request. Staff must be trained on this condition
 and the importance of answering calls.

- At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
- Staff shall walk around the outside of the premises and ensure that all bottles/glasses and other premises related litter is collected prior to closing every day.
- At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.
- The premises shall have a written dispersal policy. All staff shall be fully trained in the
 policy. The training shall be logged and records kept. These records shall be made
 available to the Police and/or Local Authority upon request and shall be kept for at least
 one year.
- A minimum of two door supervisors shall be employed on the premises on Friday and Saturdays from 20:00 until the premises has closed and also on any occasion that the function room is used for licensable activities. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors (or marshals) shall be easily identifiable by wearing high visibility jackets or armbands.
- Any door supervisor employed must be from an SIA approved contractor scheme.
- A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night. This log must be kept for at least six months and must be made available to Police or Local Authority employees on request.
- There shall be no entry or re-entry of patrons to the premises after 22:00 hours on Friday and Saturdays with the exception of those people who have gone outside to smoke.
- The premises will have an over 21s entrance policy on Friday and Saturdays from 21:00 with all under 21s leaving before this time unless attending a private function in the upstairs function room when they will be permitted to remain on the premises until close.

In reference to the entry "Any door supervisor employed must be from an SIA approved contractor scheme."

The Approved Contractor Scheme (ACS) is a voluntary scheme managed by the SIA as part of its remit to "raise performance standards and to assist the private security industry in developing new opportunities". It aims to achieve this by putting in place a system of inspection for providers of security services.

In conclusion these are our submissions in support of the LA

Regards,

Derek Ewart

PC Derek Ewart 1277NA North Area Licensing Officer

Annex 4

IP Representations

(supporting the review, objecting to the existing premises licence)

IP1 Representation

I wish to make a representation regarding the above premises.

I am one of the complainants referred to in the licensing review and confirm that all details given in that report are accurate. I am not re submitting the video evidence of the late night disturbances as I believe that Charlotte Palmer has all these logged but I wish to reiterate the absolute necessity in reducing the hours for the Winchmore. They have repeatedly demonstrated that they are unwilling or unable to run these premises responsibly to a detrimental impact on their neighbours. I believe that they have had more than enough chances to improve and have failed on every account.

I sincerely hope that ,this time, the licensing committee are sympathetic and realise the error in granting an extended license at the last review, almost ignoring our strong protestations.

IP2 Representation

I am writing on behalf of myself, my husband and our three children, living directly opposite the Winchmore pub across the mini roundabout and therefore directly and regularly impacted by the disturbances caused at the Pub by the events held there and its clientele.

To avoid duplication, I will am not including individual instances in this representation as I believe these have been included in the Council's submission. These instances do however evidence how the Winchmore Pub's current practices and clientele, conducted under their current licence, are undermining on a consistent and frequent basis the key licensing objectives of the Prevention of Crime and Disorder, Public safety and of Public Nuisance.

The music being played at the Winchmore is a regular disturbance both to the enjoyment of my home in the evening and of my relaxation and sleep. Many times I have tolerated this but there have also been several instances since the pub reopened that we have had to complain to the pub, although it's also worth noting that the phone is always answered. A text to the licence holder is not an effective solution if they do not respond till later and are not present to deal with the issue.

The clientele regularly exhibit anti-social behaviour, many are clearly drunk and linger outside the pub at kicking out time, and across from the pub in every direction and shout and scream to each other - whether abusive language or farewells. I've

seen them carrying drinks out with them. Whilst I have not witnessed obvious drug taking, I have seen the metal cylinders and these are indicative of behaviour which we do not welcome or condone. We have witnessed shouting, urinating on garden walls and vomiting, watched people climb onto the bus shelter and throw litter outside our homes and into our gardens. None of these public nuisances is acceptable and especially not at the time of night it's taking place and many of the local residents must be affected by this one premises.

In addition it appears that the Management are not fully able to manage their clientele's behaviour but do as little as possible to be proactive or to prevent these disturbances as they can get away with. I noticed that a number of key recommendations from the Licencing team were not taken up, such as employing dedicated security staff who will be fully trained in dealing with anti social behaviour. The Pub's staff are clearly not experienced, adequately trained or succeeding in this area. This clearly results in an unwillingness to deal with these instances head on, I have observed staff standing around on many occasions not addressing clientele's inappropriate behaviour and have called to the customers to stop or go home myself in desperation and frustration, (though I would not feel happy to go outside to do this for fear of the possible reaction).

The need to involve the local police is in our view a poor use of the limited policing resources; surely they are better placed helping this community with more serious matters? However they are the only recourse we have available to us at times to get the peace restored and some sleep.

It has been noted many times that this is an entirely residential area, with the sole exception of The Winchmore. It is not appropriate to compare our circumstances to say, The Green. In the evenings there is very little outside noise other than cars driving past. Any disturbance therefore affects a large number of households and people, and late at night these have a higher impact as we try to rest or sleep.

The current clientele is not the same as the previous clientele prior to Lockdown, because the hours were limited previously, so this attracted families who wanted to have a meal at the pub and not to get drunk. Hence the limited number of complaints regarding anti social behaviour prior to lockdown. It was made clear in the licencing hearing by the residents that if the licencing hours were increased this would attract a similar clientele as with the Willow, and would cause the same issues we saw with The Willow. Why the Licencing Committee believed that applying the same situation again would result in a different outcome is a mystery, as all the residents pointed out in the licence review. This current clientele are much younger, not local and come for the longer drinking hours. And yet here we are again, history repeating itself.

There are a number of conditions in place on the licence and the most basic are regularly ignored - doors and windows not being closed when music events are on, ineffective patrols and noise checks, however we welcome the additions and amendments being proposed by the Licencing Team. In terms of the designated smoking area, I understood that this is at the rear of the premises in the garden and *not* by the front doors (thus no ashtrays present) and yet clientele are smoking

outside the front doors all the time, which adds to the noise disturbance, to say nothing of the littering with butts thrown onto the pavement.

As their neighbours we have been more than patient and accommodating in the hope that the Management and Licence holders can resolve these issues, we have often contacted the Licence holders or the pub directly instead of lodging a complaint with the Council, but we wish to see an end to these public nuisance disturbances and the anti social behaviour. We welcome this review and hope there is a positive outcome for the local community. We feel that the change of opening to 23:30 Monday-Sunday and the removal of extended hours beyond 23:00 hours for both the sale of alcohol and playing of live/recorded music, dance etc is both appropriate and proportionate to the issues being presented here and by my neighbours and the Licensing Department. These amended hours are in line with those suggested by the Council's own Review document (see table below):

Activity	Current Hours	Recommended Hours
Open	09:00 - 23:30 Sun - Thurs 09:00 - 00:30 Fri - Sat	No change Sun - Thurs 09:00 - 23:30 Fri - Sat
Alcohol (on sales)	10:00 - 23:00 Sun - Thurs	No change Sun - Thurs
	10:00 - 00:00 Fri - Sat	10:00 - 23:00 Fri - Sat
Plays	09:00 - 00:00 Fri - Sat	09:00 – 23:00 Fri - Sat
Live music	09:00 - 23:00 Sun - Thurs 09:00 - 23:30 Fri - Sat	No change Sun – Thurs 09:00 – 23:00 Fri - Sat
Recorded music	09:00 - 23:00 Sun - Thurs	No change Sun - Thurs
	09:00 - 23:30 Fri - Sat	09:00 – 23:00 Fri - Sat
Performance of dance	09:00 - 23:00 everyday	No change
LNR	23:00 - 00:00 Fri - Sat	Remove from licence

IP2 Additional Representation

Last Saturday night/Sunday morning 11th September I was awakened at 1am by loud voices outside. As I've mentioned previously our house is directly opposite The Winchmore. I went to our window (which overlooks the frontage) to see what the disturbance was and saw 5 men on the pub driveway. The main points are:

- The lights were still on inside the pub. The men moved around this area and continued to cause a disturbance without being checked by any of the staff.
- Then the lights went off inside the pub and the noise outside continued.
- A taxi arrived and collected one / two men.
- Two of the men went round the side path to the back of the pub leaving one man at the front.
- The man in the orange top came back again several minutes later, spoke to the man outside and started to go round the back again.
- As he did so two people came from the back of the pub.
- Eventually all of these people got into the car parked in the pub driveway and they left at 01:18. It looks to me as if some of these individuals are linked to the pub given the time and their access.

Having been comprehensively woken by all the noise I was unable to sleep again for a long time.

Last night, 18th September I sent Eimear a text at 23:19 asking for the music to be turned down as it was audibly very loud in my home. I did not receive a response and the music continued. If it was turned down it wasn't enough and no one checked if the issue persisted.

I had just got to sleep when I was jolted awake by a crashing noise of bottles being tipped into a bin. One of the staff walked back into the pub from the cellar door area carrying a bucket/crate. It was now just after midnight. I believe there is a condition in the license that this is not permitted after 22:00 hours. That clause was added for a very good reason.

At this point two women exited the pub and made their way along Eversley Park Road, one was carrying a half full pint glass, drinking as she walked.

I've still not had a response although I'm sure I could see Eimear in the pub last night. What is the point of contacting the Licence holder directly if she does not respond?

Perhaps the CCTV will have picked up the incidences over these two consecutive weekends as they were all at the front of the pub.

I am particularly disappointed and frustrated by these events as they demonstrate that the Licence holders and their staff have scant regard or respect for the local community and their neighbours or the criteria under which they are required to operate by the Licensing Department. They are flouting the rules with no thought to the consequences and impact and they are complicit in creating the very disturbances that are continually causing upset and anxiety to local residents. They need to sort themselves out as well as managing their clientele.

I attach some photos from last weekend's incidents. Apologies for the poor quality.



























IP3 Representation

Hi I writing this email to complain about how The Winchmore is being managed.

We reside at xxx Winchmore Hill Rd, London N21 1QR which is situated right opposite the pub. I have many videos showing partying in the street hanging around until the early hours of the morning. I know a lot of the residents have sent videos. Don't want to be sending the same ones. If need me to it's no problem at all.

We have been living here since February 1985.

As a family we have been dealing with noises shouting even finding classes on our front wall. Rose bushes have been ruined because of people sitting on our wall shouting talking loud until the early hours of the morning. Because they were all done have been provided with a late licence on a Sunday evening when the function room is hired out there partying in the streets until early hours on a Monday morning. It's not being managed correctly as the owner doesn't seem to care about the community. It goes on. I go and stay with friends and family over the weekend as I can't seem to get any peace and kept on being woken up or not ever able to get to sleep. This is a residential area not a high road. Further to that it has devalued our property and the area. I know a lot of my neighbours have also been complaining. If you require me to send the videos please do not hesitate to call/email me.

IP4 Representation

I am writing to say that everything I have sent regarding the Winchmore Pub, is still going on.

I am one of the complainants, I live next door to the car park and the pub.

My life has been disturbed over the last Three years due to the pub, playing loud music, noise, bad behaviour, swearing urinating in our property. Generally disgusting, disturbing behaviour.

I am not able to have friends in the evening over to my home because the noise is so loud and have to deal with this every weekend.

This pub has ruined my life, and made It impossible for me to live peacefully in my own home.

The people who go to the pub now are not the sort of people we are used to in winchmore Hill, I have lived here all my life.

Everyone has the right to be able to have peace and live in their own home without disturbance.

IP4 Representation – Additional Information

I have called the out of hours team at Enfield council again on Saturday night (18 September) because of the continuing noise from loud music , and shouting and swearing again .

I had an operation on Thursday and this pub makes it impossible for me to rest in my own home with the complete disregard for any residents in the area.

I am having to put my home on the market and move because I cant live with this any longer.

It is disgusting and nothing is ever done to resolve it we dont count.

IP5 Representation

i agree that the licence should be reviewed, as stated in previous emails and at the initial licensing meeting, the premises have always had problems despite the promises of the licence holders, they never seem to stick to what they tell the neighbours.

i live directly opposite the pub, i have two small children who sleep in the front room and who became very unsettled on many evenings when they've tried to sleep, not to mention the countless times that screaming and shouting and car bibbing has woken them.

it's really unfair for children especially to have their sleep disrupted.

Eimaer and Mark clearly don't get about the community or making it a so called "community pub", they only care about making money.

i appreciate that lockdowns and the pandemic as a whole have affected the hospitality industry quite badly, but they've also affected many other industries. the pubs around the corner have not felt the need to have the music licence, they also don't have a function room to rent out for private parties, but they're still open and still get customers.

i don't understand why Eimaer and Mark try time and time again to turn the winchmore into something other than a normal pub. it's surrounded by houses, unlike the kings head and the salisbury arms which have shops nearby, the winchmore is surrounded only by houses and therefore to even hold functions upstairs should be reconsidered.

it's unfair for us to keep going round and round in circles, affecting our quality of life and our right to live peacefully in our homes.

it's unfair for children to have to endure what we've had to go through the last few months, and they shouldn't have to be exposed to the kind of behaviour that has been witnessed from the winchmore a customers. As stated by other residents, the pub i longer attracts the community customers that it may have used to prior to covid, it is bringing it young drug taking/dealing hooligans who don't even want to spend money in the pub, it's become a meeting ground to buy drugs because it's locaTed amongst houses and not other shops where they would get seen.

i would also like to suggest that Cllrs opinions should not override the opinions of the residents that live around the pub.

IP5 Additional Representation

I'd like to add that we could also hear the music from our house, also the punters were very loud. I think there must have been a private party, but the windows & door were open upstairs in their function room area which is not allowed.

Another neighbour messaged me last night & said she called the noise team, hence why I didn't.

I agree with xxxxx, the pub license holders have absolutely no respect for us neighbours, this is why I don't believe they should be allowed any music or functions in the evening, they have never managed to keep the music to an acceptable level. They never close the windows so the music doesn't disturb the neighbours. Their punters always hang around the doors, so the doors end up staying open, so the noise is even louder.

I'd like to understand why they are still allowed to play music? This contributes to one of the biggest problems we have.

Annex 5

Supporting Representations

(objecting to the review and supporting the Premises Licence Holder)

SUP01 Representation

I am writing regarding The Winchmore, 235 Winchmore Hill Road, N21 1QA – LN/201500123.

I would like to state that we live beside the pub, in Chesterfield Lodge, which has been there for many many years, and there is a certain level of noise to be expected at closing time. However, it's not disruptive in any way.

The pub is extremely well managed and attracts a lovely clientele and if anything, an asset to the area. I cannot therefore see any reason as why there would be a need to change the Licensing hours.

SUP02 Representation

I support the Winchmore pub and can't see any reason to change the Licensing hours.

The pub is well run and is an asset to the area. My house is attached to the pub and I don't hear any noise when the pub shuts and people are leaving.

SUP03 Representation

I am writing to you concerning licensing issues with regards to the Winchmore Hill Pub very near to the address above.

We have no concerns about noise levels and closing times day/night week/weekend.

As residents of the area, we think the Winchmore Hill Pub is very well run and is an asset to the area.

SUP04 Representation

I am writing to you to stress my support for this local pub and community meeting place.

Compared to previous owners who ran this establishment this is now a well run pub, which serves the local community and now has the neighbourhood residents on board finally.

It is well run and an asset to the community and the owners are conscientious to the area and its residents

I see no reason why Enfield Council are meddling with the Winchmore's opening hours and licence and want to change the way this place when it is so well run? Or is Enfield council just trying to kill off the community spirit in Enfield once again??

There is absolutely no reason for any changes here at all!

Would gladly discuss further if you require!

SUP05 Representation

We are writing this e-mail in support of our local pub The Winchmore.

We have been patrons of the pubs since moving in this area.

It is a good family pub frequented by young and old families while providing employment to quite a well presented and capable group of young people.

We pass in front of the pub on a daily basis both during the day and evening and have never noticed any more noise than what we would consider to be normal for a pub.

There has been a pub in one form or the other at this address for many years but since the re-opening few years ago it has been well run and we think it is an asset to the area and the community.

SUP06 Representation

As a local resident, we use The Winchmore for not only nights out but also family meals and celebrations.

We have used The Winchmore for many years and have seen owners come and go and the current owners in our opinion, run the pub with great professionalism for example during Euro's 2020 we attended all the matches but on one occasion when the English supporters were beginning to get a bit rowdy, the management and all staff reacted immediately to quell any silliness that may have occurred. As I was there with my grandchildren, we were highly impressed.

We feel it is important for premises like this to continue as it adds more than it impacts our local neighbourhood.

SUP07 Representation

I am a local resident living one street behind The Winchmore at 125 The Vale N14 6BA.

The Vale is a quiet street and we live at the end which is close to the Winchmore and many of its clients park on our road.

The pub is well run and is an asset to the area and any noise during dispersal is a normal amount of noise for a pub, in fact it is quieter than many pubs in the local area.

We have never been caused any noise disturbance by the pub and this is the quietest place we have lived in our many years of living in various parts of London.

The pub is clean, well maintained, has a great menu and lovely staff and is a fantastic addition to the neighbourhood and a valued part of our community. Compared to the previous two businesses on these premises, it is night and day and I see no reason to change their licence in any way.

SUP08 Representation

This is a statement supporting The Winchmore Pub's licensing hours. It is with great distress that I hear of the challenge to the pub's licensing hours. Mark and Eimear, who both run the pub, have worked tirelessly to create a unique atmosphere of warmth, comfort and community spirit that has been missing for a long time. It is an extremely well managed pub and the clientele are very respectful of "their pub" and the neighbours. In all the time The Winchmore has been operating, we live close by and have never had any cause to complain about noise, cars parked on the roads, closing time leavers from the pub or any other noise from the pub. The pub and surroundings are kept clean and tidy and changing the hours for no good reason will damage the welfare of the pub and all those that visit it.

I therefore urge you NOT to change the licensed hours and allow the pub to continue to be the heart of the community especially during these very testing times for all.

SUP09 Representation

We see no point in changing the licensing hours at The Winchmore pub. We have never been disturbed in all the time it has traded and live not more than 200 meters from its front door. On the occasions we have visited we have done so with our children, both pre teen, and the atmosphere has always been full of community and family spirit. It's a real asset to the area.

SUP10 Representation

My name is xxxxx, I live opposite The Winchmore Pub. This is a statement supporting the pubs Licensing hours.

I cannot see or hear of any reasons to do otherwise. We cannot hear a thing! The punters as well as the pub itself have been nothing short of respectful when leaving and entering the pub.

Perhaps instead- you could provide better guards/protection to the houses by the bus stops. People using the 125 bus service sit on our walls, damage our fauna and leave trash in our gardens! This is a sore point that must be addressed.

The pub on the other hand is well run and if anything is an asset to our community and area.

During lockdown the pub reached out to my elderly parents and others similar in the n21 area. They are caring and do their best to help our community.

Any noise that occurs during dispersal is a normal amount of noise for a pub. It does not affect us at all.

I do hope you take measures to change the real issues occurring on our road rather than damaging the beautiful community we all have and worked towards.

SUP11 Representation

I am writing in support of The Winchmore as I see no need to change the current licensing hours or understand why they would need to have security on their doors.

I am a family man with a young child and visit this place regularly. It's a great family pub run by a fantastic team. I have never experienced any trouble here and it has one of the best reputations in the area. It's one of the only pubs I would take my 11 week old son and grandparents to for a family meal.

I also run an advertising company and always receive 10/10 reviews for The Winchmore.

They are an asset to the area and their loyal customers have stuck by them due to the amazing team and the way the pub is run.

Taking my family there for a meal with imposing door staff greeting us won't be the same and would be highly unnecessary!

SUP12 Representation

I am writing on behalf of myself (xxxxx) and my wife xxxxx.

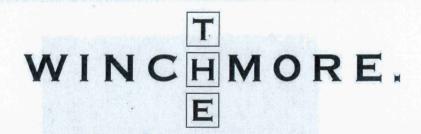
We have been living at xxxxx since November 2012. We have xxxxx children aged xxxxx and xxxxx years old.

We would like to provide a brief statement with regards to our experience of The Winchmore pub since this establishment was taken over by Eimear and Mark some years ago.

We should like to report that The Winchmore has become a much cherished part of our local community since they have taken over the running of the pub. They have made the Winchmore pub is a real asset to the local area and extremely well used and well thought of by local residents. We live very close by and we have never experienced any issues with noise or unsociable behaviour — even throughout COVID lockdowns whereby pubs were running out-door only services — they have run their pub in an impeccable way — always being extremely thoughtful and mindful of the local residents.

As someone living very close to their pub I can honestly say that I can only wish the very best for them and see no reason at all to impose any restrictions to their licence hours. They are without doubt a wholly trustworthy and responsible as pub landlords and deserve all the help and support to continue and develop their business without restriction in what has been an extremely challenging time for those in hospitality sector. It would seem grossly unfair to put any restrictions on their trading when they have clearly worked extremely hard to be respectful and thoughtful towards local residents.

If you have any questions or I can be of any further assistance please do not hesitate to contact me.



FRONT OF HOUSE DIARY

PLEASE RETAIN FOR 3 YEARS THEN DESTROY

UNDERAGE POLICIY WINCHMORE.



UNDERAGE SALES / CHALLENGE 21 (OR C25) POLICY

It is a serious offence to serve an alcoholic drink or tobacco to someone under 18.

It is an offence:

- 1. For any person to sell alcoholic drinks to someone aged under 18 for consumption either on or off the premises, or for any person in authority to allow such a sale.
- 2. For any person to allow someone aged under 18 to consume alcoholic drinks in a bar.
- 3. For someone aged under 18 to buy or attempt to buy any alcoholic drinks or to consume them in a bar.
- 4. For any person to buy or attempt to buy alcoholic drinks on behalf of someone aged under 18.
- 5. For any person to buy or attempt to buy alcoholic drinks for consumption in a bar by someone aged under 18.
- 6. For tobacco products to be sold to someone aged under 18 whether direct or through a vending machine
- 7. Gaming Machines: It is an offence for any person to invite, cause or permit an under 18 year old to play on category C gaming machines or to gamble other than on a category D gaming machine. If prosecuted this offence carries a fine of up to £5,000 or up to 51 weeks' imprisonment.

Penalties for you:

Disciplinary procedure will be invoked should you breach Company policy and a serious breach will be considered gross misconduct. An immediate £90.00 fine, with a possible fine of up to £5,000 if taken to

The company policy is to operate "Challenge 21 /25". This means that if you feel someone does not look at least 21/25 years old you MUST ask for proof of age before making a sale to them.

Acceptable Proof of Age

Where there is any doubt about age, you must ask for documentary evidence. Company policy is to accept these forms of ID:

- Passport
- · Photo card driving licence
- Accredited PASS Scheme proof of age card (must have PASS hologram)
- Military ID (must have the MOD holographic feature on the card)

Always check that the photograph matches the person supplying ID - and that the Date of Birth on the document does actually make the person over 18.

Although door staff are checking age before entry it is still your responsibility to ensure that you are checking for proof of age before serving a person or allowing them to use our tobacco vending machines, if you feel they or someone in their group are aged under 21/25. Even where door staff are on duty at the premises this does not negate your obligations to apply this policy. Door staff are not always present and in any case are not infallible.

If in doubt:

- Refuse service, make your colleagues aware
- Refer the matter immediately to a manager (the person(s) will have to leave the premises)
- · Record the refusal on the till system using the relevant buttons

LICENSING TRAINING INFO

WINCHMORE,



Please sign below to confirm you have completed your induction/3 monthly refresher training relating to the sale of alcohol and the times and conditions outlined on our Licence here at The Winchmore.

Also confirming you have completed the test on the reverse.

Signed: Mak wash

We are delighted you have you work as part of our team and we hope you take your responsibilty surrounding the sale of alcohol and all the conditions on our licnce seriously. We are all part of a team and it is of up most importance to us to respect our neighbourhood and be an integiral part f our community here in Winchmore hill,

Brian Wayning Product 24/08/21

CEMBA SELIM 24/08/21

CAMBI CEMBA SELIM 24/08/21

Rebecca stanger 24/08/21

Sadie Le Bas Hobby 24/8/21

OTICI Ball 9504 24/8/21

Tishara Montague 28/08/21

Myah Dujon 28/08/21

ALX Lines 108/21

PREMISES QUALITY CHECKS WINCHMORE.



DATE: 24/08/21

Fire Exit Check (to be completed daily)					I confirm that all fire exits are clear and unobstructed by any obstacle					
TIME	INITIAL	TIME	INITIAL	TIME	INITIAL	TIME	INITIAL	TIME	INITIAL	
10:00	CS	16:00	CS	19:30	NW	22:30	nu	01:30		
11:00	C.S.	17:00	nu	20:00	NW	23:00	ww	02:00		
12:00	CS	17:30	wn	20:30	hn	23:30	mu	02:30		
13:00	CS	18:00	nw	21:00	mn	00:00	mu	03:00		
14:00	0.5	18:30	nin	21:30	mu	00:30		03:30		
15:00	C·2	19:00	mu	22:00	nu	01:00		04:00		

TIME	HOUNSDEN RD	WINCHMORE HILL RD	CHURCH HILL	TIME	HOUNSDEN RD	WINCHMORE HILL RD	CHURCH HILI
17:30				00:00			
20:00				00:30			
20:30				01:00			
21:00				01:30			
21:30				02:00			
22:00	mw	mu	mu	02:30	715-4	Little 1	
22:30	mu	in	min	03:00			
23:00	12	22	92.	03:30		January 1	
23:30				04:00			

Floor, Toilet, Stairs & Outside Area Check Log					Floor, Tollet, Stairs & Outside areas must be regularly checked for hazards such as spillages / glas every day, and any hazards reported immediately to Duly Manager for action. Noise, litter and dru- problems must be remedied immediately.				
TIME	INITIAL	TIME	INITIAL	TIME	INITIAL	TIME	INITIAL	TIME	INITIAL
10:00	C.S	16:00	C.S.	19:30	Un	22:30	mu	01:30	
11:00	C.S	17:00	92)	20:00	wn	23:00	ma	02:00	
12:00	CS	17:30	201	20:30	na	23:30	mu	02:30	
13:00	CS	18:00	min	21:00	mu	00:00		03:00	
14:00	CS	18:30	nn	21:30	mw	00:30		03:30	
15:00	CS	19:00	nu	22:00	min	01:00		04:00	

LICENSING TRAINING INFO



Challenge

If you are lucky enough to look under

25

Please don't be offended when we ask you to prove you are

over

18

We accept the following as proof of age:



- Photo-card driving licence
- Passport
- Proof of age card bearing the PASS hologram

PASS

When you buy alcohol or other age restricted product

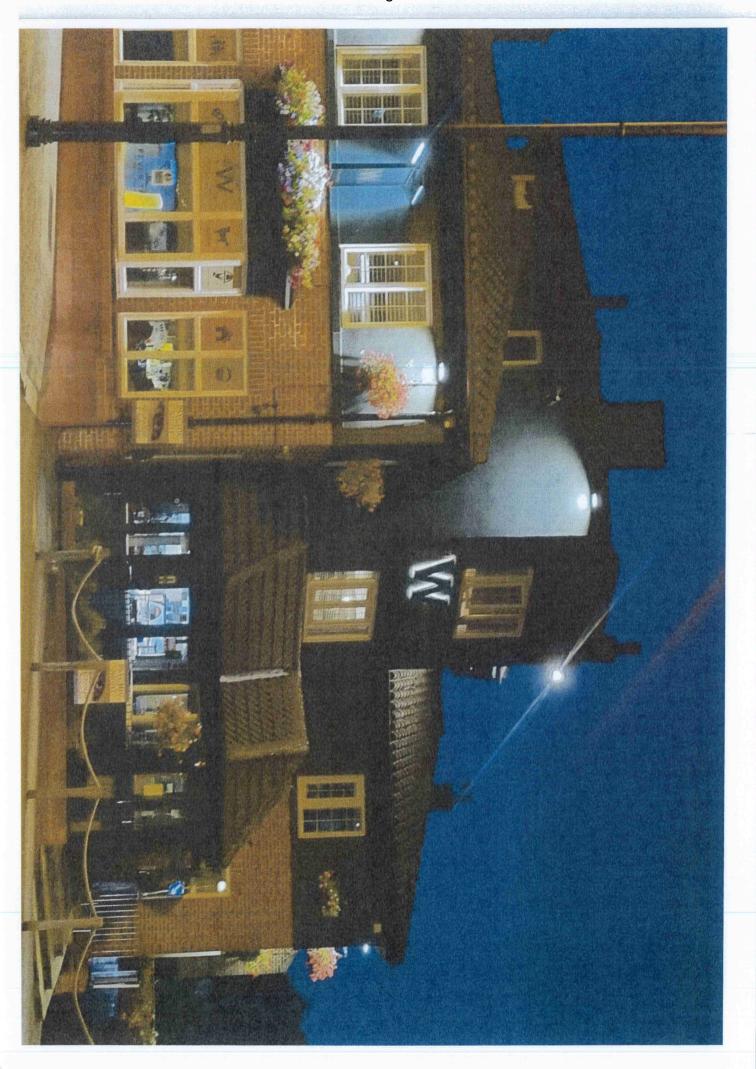
www.beyondtheblue.co.uk

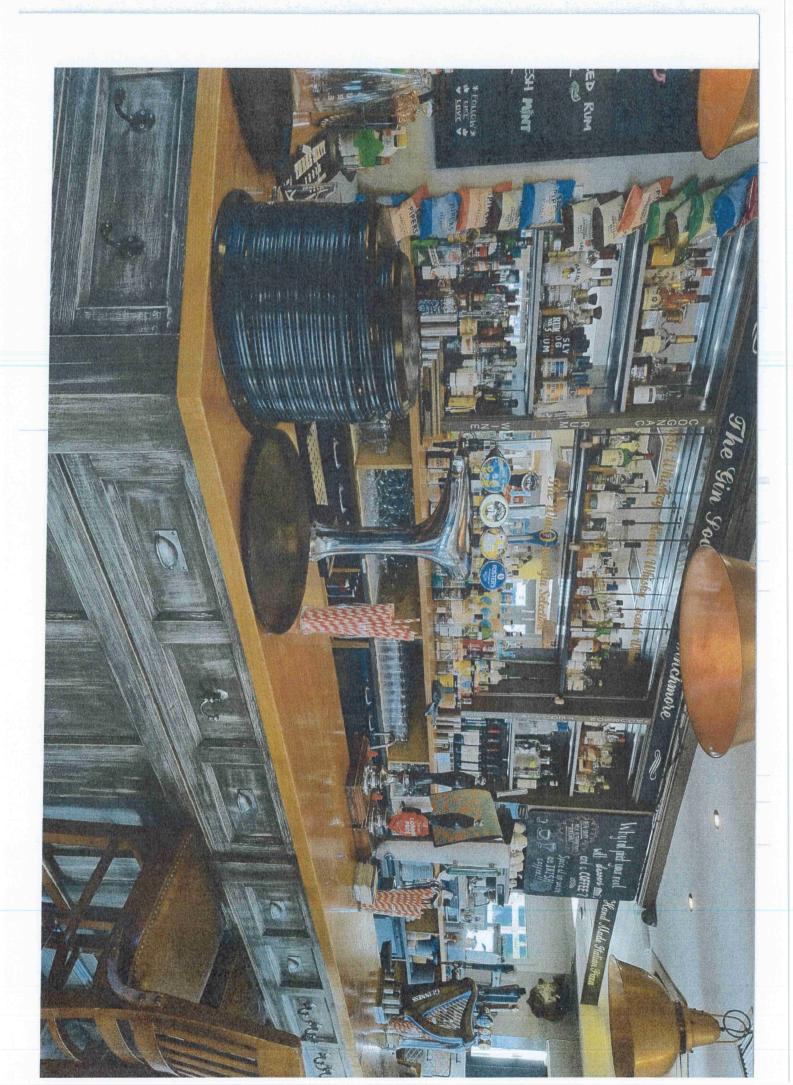
beyondtheblue

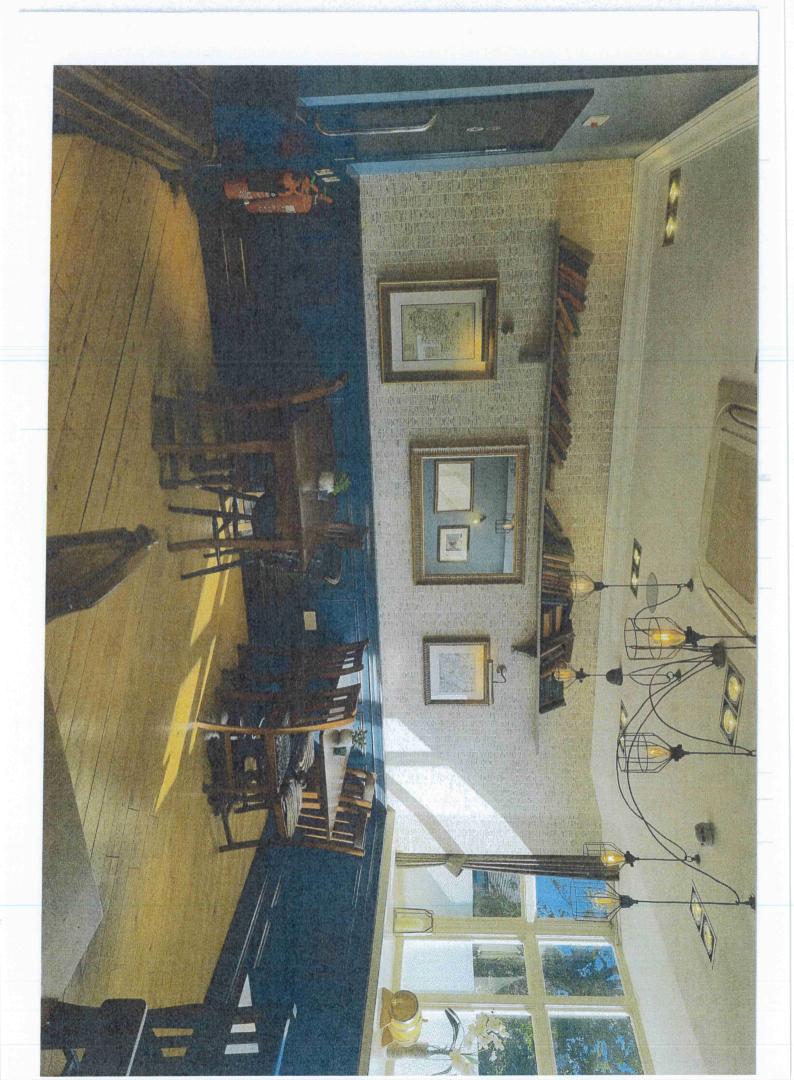
It is an offence to purchase alcohol if you are under the age of 18 (Section 149 licensing act 2003)

For additional copies of this notice or further information regarding the challenge 21 scheme and our training, please contact us.

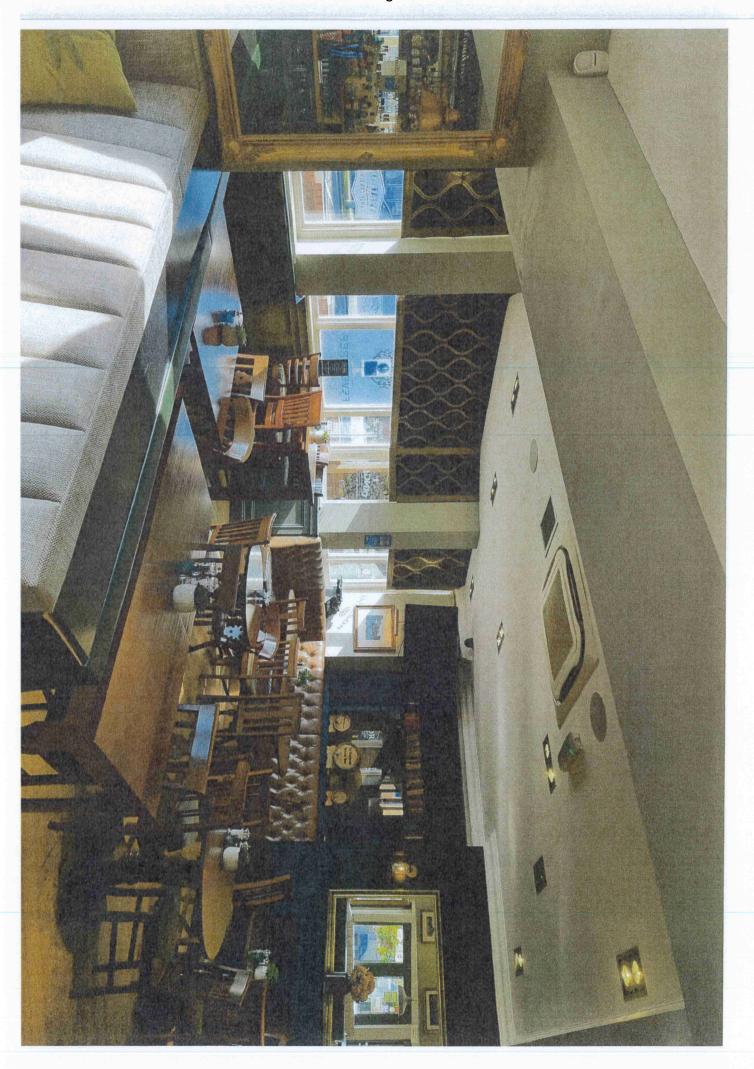
• (+44) 0845 602 55 95 • info@beyondtheblue.co.uk • www.beyondtheblue.co.uk • © Beyond the Blue Ltd. 2008 - 2015 •

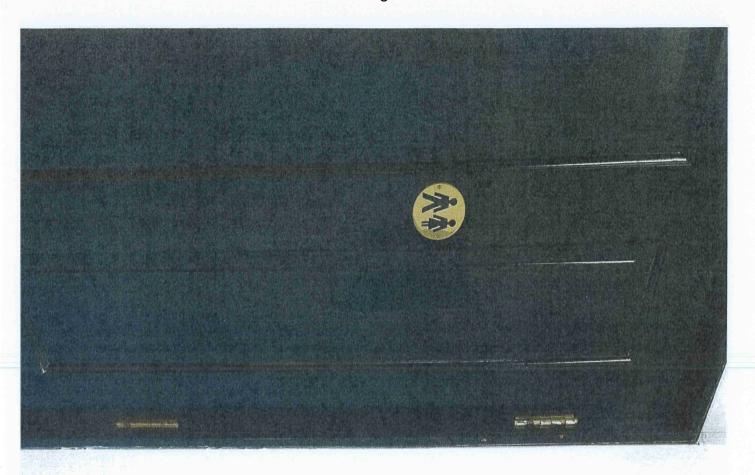






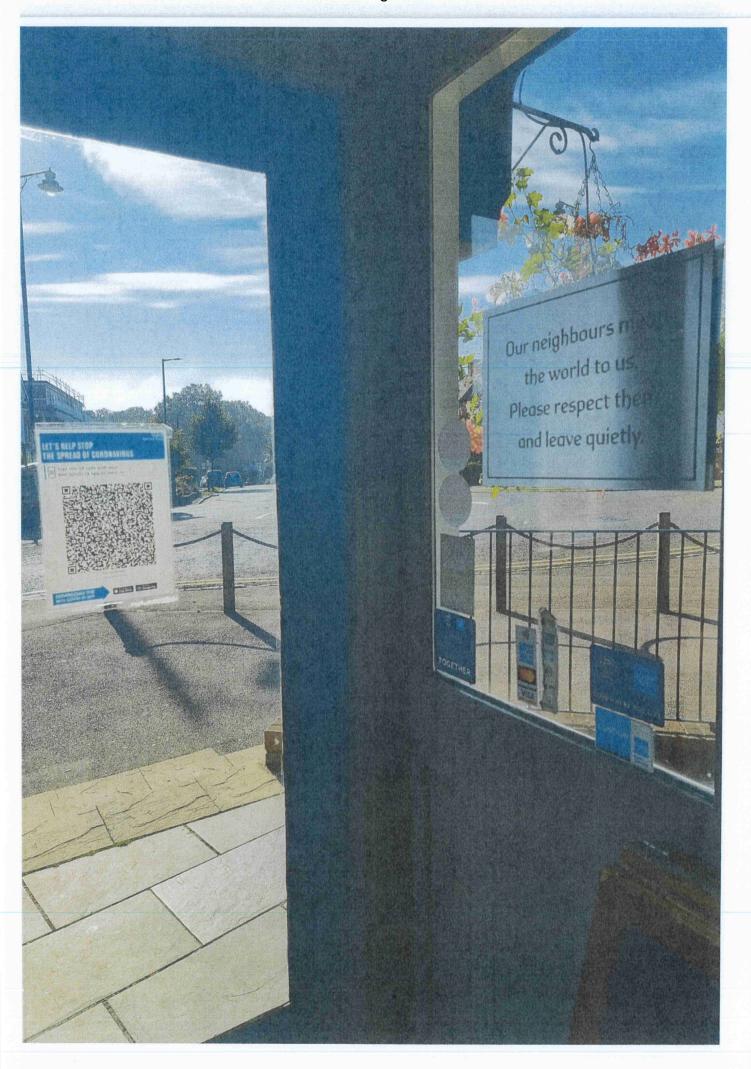






This is a family run pub built for the community.
Drug use is not permitted on this premises.











The Winthmore is proud to say we will always while the best quality means from the local & sestmable suppliers

WINCHMORE.

AUTUMN/WINTER MENU





At The Windhesors we always use the freshest ingredients to create the best quality dishes. HOW ONCE GRAPTISTS

SHARE THE LOVE

ANTIPASTI BOARD 12

Chargetted vegetable agritted hallowed barrows, olive tapenade & crestini.

LOADED NACHOS - 10

hilli beet gotemole, sour cream, jetspercu k melted cheddar over over baked tortillar. A staff laugustibel

CHEFS MEAT BOARD -12

Parma ham, salami, pepperove, olives, toxisted soundough & moved leaves.

CLASSIC STEAK BURGER - 15

Topped with cheese, bacon, tomato, lettuce gherkins & burger sauce, served on a brioche bunwrite skinney from and house stance

SOUTHERN FRIED CHICKEN BURGER - 15

A breider cajum spiced checken fillet topped with tomato, lettuce, gherkin & garlic mayo, served on a brigg he been with shinny fries and hower shaw

VEGETARIAN BURGER - 14

Clus say burger, topped with terrato, lettoca, gherkin, hummus & gur amore on a vegan brick he from with a formed & acrobe slaw

PRIMAL CUTS

SIRLOIN STEAK - 21

Our Steaks are sourced from British farms. with succulers tasse and tenderness. Grilled to your liking. served with hand out chips, endone rings, musheoom registed tomate & pepperape issue.

CHEF'S SPECIALS

Our Chef's use fresh seasonal produce to create fancactic daily specials!

ALE YOUR SERVER TO FIND OUT MORE.

LIGHT BITES

SOUP OF THE DAY - 7

Fresh homewade soop with loasted soundough

BREAD & OLIVES- 6

Roasted soundough bread and recent marinated olives

CHICKEN WINGS - 8

Peri Peri as BBQ casted crispy chicken wings

SALT & PEPPER SQUID- 8

Lightly dusted gold topped with contender & chilli with a sweet chill tauce

HALLOUMI FRIES - 6

Chunky hallowed fries coated in breadcrumbs served with with rousted garlic mayo

CARMELISED ONION TART - 7

Homemade pull pastry carmelised onion tart

caramelised onlong pea shoots, red wine just SCAMPI & CHIPS - 10

PUB CLASSICS

PIE OF THE DAY - 14

Freshly made pies with a puff pastry lid. served with much potato, greens and a rich gravy.

FISH AND CHIPS - 15

A haddock filler hand coated in our critipy ale batter, Served

with hand cut chips and minted mushy peas & tartare sauce.

BANGERS & MASH- 10

Awarding winning local saurages with creamy mashed potato.

Crisp whole grawns dusted in a light cayenne pepper breadcrumb & served with hand cut thips and chunky tartare.

MEDITERRANEAN SALAD - 12

NEW ADDITIONS

Roasted butternut squash, paired with olives, sundried tomators grains and shavings of cheese.

WARM KALE & TAHINI SALAD - 12

Kaled dressed in a citrus, maple dressing with white butter beans, tringy troutons and drizzled with a creamy taking

BOMBAY COCONUT CURRY - 12

Medium curry sauce with aubergine, courgette, brocolli and potato with baumati rice

ON THE SIDE

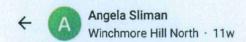
Seasonal greens 4 Skinny Fries 4 Manual Cust Chipps 4 Sweet Potato Fries 4 Garlic Bread

OMA

WWW.WINCHMOREMORE.ME



...



The Winchmore Pub. I would like to take this opportunity to say well done to the staff at the Winchmore. We have watched the England games there the past couple of weeks and it has been fabulous, extremely well run and well organised. Staff are friendly and efficient. Great food choices too. Any sign of disorder was curtailed immediately. Roll on the semi-final and hopefully the final. Great to have such a great local pub, keep up the good work

Posted in General to Anyone



Keith Comley · World's End

A little different to when Peter Storey was the Landlord!

3

11w Like Reply Share





Dispersal Policy

This policy is designed to provide guidance for the management and staff and set out the terms for the dispersal of customers from the premises.

The purpose of this policy is to set out the reasonable steps the premises will undertake to prevent unnecessary avoidable disturbance to residents, services and other businesses operating in the vicinity of the premises.

It is the stated intention of the premises to operate in a manner which causes the minimum impact from noise nuisance and anti-social behaviour from our customers to neighbours and other members of the public.

To this end all relevant staff will be trained in this policy and other appropriate skills to achieve an orderly and safe dispersal from the premises.

- No customer shall be allowed to use any external area of the premise after 11pm, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.
- At 10:50pm customers are asked to move inside at 11pm.
- There are to be no more than 10 persons at any one time using the designated smoking area after 11pm. Notices shall be displayed in the area specifying the terms of its use and asking customers to respect the needs of local residents and to use the area quietly
- Prominent, clear and legible notices are displayed at all public exits from the premises requesting customers to respect the needs of local residents and to leave the premises and area quietly
- A member of staff is positioned in an area close to the main exit to oversee the end of night departure period.
- When there is a large number of customers leaving one of our team members walks outside with them to ensure they keep the noise down. Customers are asked not to stand around loudly talking in the street outside the premises
- Once the customers have left the premises, we continue to ensure they have left our garden and our carpark quietly
- Any taxis we call for customers we ask that they pick up in the car park to keep the noise down at the roundabout
- The car park is locked no later than 30 minutes after closing time to prevent members of the public remaining/parking in the car park after the premises has closed.

Annex 7

Proposed Conditions

The following conditions are AGREED between the Licensing Authority & Premises Licence Holder:

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. A digital CCTV system must be installed in the premises complying with the following criteria:
- (a) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas.
- (b) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Cameras viewing till areas must capture frames not less than 50% of screen.
- (d) Cameras overlooking floor areas should be wide angled to give an overview of the premises.
- (e) Cameras must capture a minimum of 16 frames per second.
- (f) Be capable of visually confirming the nature of the crime committed.
- (g) Provide a linked record of the date, time and place of any image.
- (h) Provide good quality images colour during opening times.
- (i) Operate under existing light levels within and outside the premises.
- (j) Have the recording device located in a secure area or locked cabinet.
- (k) Have a monitor to review images and recorded picture quality.
- (I) Be regularly maintained to ensure continuous quality of image capture and retention.
- (m) Have signage displayed in the customer area to advise that CCTV is in operation.
- (n) Digital images must be kept for 31 days.
- (o) Police will have access to images at any reasonable time.
- (p) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is nonstandard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.
- 3. A member of staff trained in operating CCTV shall be at the venue during times open to the public.
- 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
- (f) any visit by a relevant authority or emergency service.
- 5. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
- 6. All staff shall receive induction and refresher training (at least every **three** months) relating to the times and conditions of the premises licence.
- 7. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 8. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
- 9. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly.
- 10. All external doors and windows shall be kept closed when recorded and or live music takes place, except in case of an emergency and for access/egress.
- 11. Staff shall monitor customers in the external area of the premises on a regular basis and ensure customers do not cause a public nuisance.
- 12. When recorded and or live music, is taking place, noise checks at the perimeter of the premises shall be conducted every hour to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
- 13. Section 177A of the Licensing Act 2003 does not apply to this premises licence.
- 14. A telephone line must be made available that will be answered by staff throughout the hours of operation and at least half an hour after closing. The telephone number for this must be provided to local residents upon request. Staff must be trained on this condition and the importance of answering calls.

- 15. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
- 16. Staff shall walk around the outside of the premises and ensure that all bottles/glasses and other premises related litter is collected prior to closing every day.
- 17. The premises shall have a written dispersal policy. All staff shall be fully trained in the policy. The training shall be logged and records kept. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
- 18. A log must be kept indicating the date and times door supervisors sign in and out for duty and must include clearly printed details of each door supervisor's name, SIA licence number, employer, and the duty they are employed to carry out on any particular night. This log must be kept for at least six months and must be made available to Police or Local Authority employees on request.
- 19. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 23:00 hours and 07:00 hours.
- 20. The carpark shall be locked no later than 30 minutes after closing time to prevent members of the public remaining/parking in the car park after the premises has closed.
- 21. 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

The following conditions are NOT agreed between the Licensing Authority and the Premises Licence Holder (but are supported by the Police):

Kev:

A – Original Condition (where applicable)

B- Condition proposed by Responsible Authority (where applicable)

C – Condition proposed by Premises Licence Holder (where applicable)

General comments

22A. No customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

- 22B. No customer shall be allowed to use any external area of the premises after 22:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.
- 22C. The service of drinks to customers in the external area shall cease at 22:30 and no customer shall be allowed to use any external area of the premises after 23:00 hours, except for customers permitted to temporarily leave the premises to smoke in the designated smoking area and no drinks shall be permitted to be taken into this external area after this time.

This condition was changed as part of the last variation. The Licensing Authority proposed amendment would change it back.

- 23A. There shall be no more than 10 persons using the designated smoking area after 23:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly.
- 23B. There shall be no more than 10 persons using the designated smoking area after 22:00. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. The designated smoking area shall be marked on the licence plan.

This condition was changed as part of the last variation. The Licensing Authority proposed amendment would change it back.

- 24A. Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by 22:00, unless attending a private function when they will be permitted to remain on the premises until close.
- 24B. Children under the age of 18 must be accompanied by an adult at all times whilst on the premises and must be off the premises by 21:00, unless attending a private function when they will be permitted to remain on the premises until close.
- 24C. No alternative submitted as yet although there was some discussion around a possible amendment to allow accompanied children who are at the premises to consume a table meal to stay until 22:00.
- 25B. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.
- 26B. At least one personal licence holder shall be on site at all times the premises is open for licensable activities and until all customers have left the premises.
- 26C. From 20:00 hours on Friday and Saturday at least one personal licence holder shall be on duty and until all customers have left the premises.

- 27B. A minimum of two door supervisors shall be employed on the premises on Friday and Saturdays from 20:00 until the premises has closed and also on any occasion that the function room is used for licensable activities. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors (or marshals) shall be easily identifiable by wearing high visibility jackets or armbands.
- 27C. The premises will risk assess the need for door supervisors. When on duty at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed or until all customers have dispersed. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing a nuisance. All door supervisors shall be easily identifiable by wearing high visibility jackets or armbands
- 28B. Any door supervisor employed must be from an SIA approved contractor scheme.
- 29B. There shall be no entry or re-entry of patrons to the premises after 22:00 hours on Friday and Saturdays with the exception of those people who have gone outside to smoke.
- 30B. The premises will have an over 21s entrance policy on Friday and Saturdays from 21:00 with all under 21s leaving before this time unless attending a private function in the upstairs function room when they will be permitted to remain on the premises until close.



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.

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:

- 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:

- 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.

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

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.
- I. 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:

- 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

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.

- 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.

- 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

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

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.



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

- 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.

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.
- I. 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 bought 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

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 bought 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.
- I. 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

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

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 gueries 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 antisocial 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.
 - 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.

- 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

- 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

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

disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

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

2. The 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:

- 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.



MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE HELD ON WEDNESDAY, 4 AUGUST 2021

COUNCILLORS

PRESENT Doug Taylor (Chair), Mahmut Aksanoglu and Jim Stevens.

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer

(Senior Licensing Enforcement Officer), Balbinder Kaur

Geddes (Legal Adviser) and Metin Halil (Democratic Services)

Also Attending: David Dadds (Dadd Solicitors) and Yilmaz Celik (Applicant)

1 WELCOME AND APOLOGIES FOR ABSENCE

NOTED

- Councillor Taylor 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 confirmed their presence. The Chair explained the order of the meeting.
- David Dadds (Dadds Licensing Solicitors), the legal representative, requested that the LSC all be present with their camera's on rather than simply by telephone to ensure that the LSC were all present and engaged in the hearing. This was agreed by the LSC and legal adviser in the circumstances.

2 DECLARATION OF INTERESTS

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

3 MONTAGUE SUPERMARKET, 171 - 173 MONTAGU ROAD, EDMONTON, N18 2NA

RECEIVED the application made by Enfield Council's Licensing Authority for review of Premises License LN/201200258 at the premises known as and situated at Montague Supermarket, 171-173 Montagu Road, Edmonton, N18 2NA.

NOTED

- 1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. This was a review of the Licence of Montagu Supermarket, 171
 173 Montague Road, Edmonton, N18 2NA.
 - b. The Premises Licence held by the various premises licence holders has had a history of note as set out at page 1 of the report. This review application has been submitted by the Licencing Enforcement Team on behalf of the Licencing Authority and seeks to revoke the premises licence held by Mr Yilmaz Celik in order to support the prevention of crime and disorder licencing objective.
 - c. The review is made on the grounds that the premises has a history of selling illicit tobacco from the premises. Furthermore, breaches of licencing conditions are alleged to have been breached. Those conditions applied through a minor variation in order to prevent further illicit tobacco being sold from these premises.
 - d. The existing conditions are set out in the premises licence found in the amended report. This premises licence permits the sale of alcohol, off sales and be open from 7:00am – 11:00pm daily. Mr Yilmaz Celik is both the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS).
 - e. The full review application can be seen at Annex 2 (from page 15) of the report. Mr Celik has not provided any written response to the review application.
 - f. If the Licensing Sub Committee is minded not to revoke the licence, the review request that the licence be modified updating the licensing conditions. The full list of conditions sought through this application can be seen in Annex 3 (page 41) of the report.
 - g. Present today is Charlotte Palmer, the Senior Licensing Enforcement Officer, representing the Licensing Authority and Mr David Dadds from Dadds Licensing Solicitors representing Mr Yilmaz Celik the PLH and DPS. Mr Celik is on a call directly with Mr Dadds but not present on the live events call.
- 2. The statement on behalf of the Licensing Authority by Charlotte Palmer (Senior Licensing Enforcement Officer).
 - a. This review application is to revoke the premises licence. The review is based on the prevention of crime and disorder objective and is the result of non-duty paid tobacco being found at the premises.
 - b. On the 30 March 2021, the premises were visited as part of Operation CeCe (a HMRC funded national project aimed at tackling the sale of illicit tobacco). A test purchase volunteer entered the premises and asked if they sold 'cheap' cigarettes

- and were sold a packet of non-duty paid Marlboro Gold for £7.50.
- c. As a result, the premises were visited again on the 29 April 2021but this time with Trading Standards Officers, a dog handler and sniffer dog. Charlotte Palmer was notified by one of the Trading Standard Officers that the evidence had been recounted, as part of the criminal investigation, and the number of packets of cigarettes seized was 1,138 and not 1,128 as stated in the review application. A 160 pouches of hand rolling tobacco, 50 grams each, was also seized. All were non-duty paid. The packets had foreign labelling and did not comply with the standardised packaging regulations. Photos of the items seized can be seen at pages 32 and 33 of the report.
- d. The illicit tobacco sale and illicit tobacco seizure demonstrates potential breaches of licence conditions 10, 11, 14 and 15 as set out on page 18-20 of the report.
- e. Breaching licensing conditions is a criminal offence. As can be seen at page 18 of the report, Home Office guidance states that there are certain criminal activities that should be treated particularly seriously, and the list includes the sale or storage of smuggled tobacco or alcohol. The guidance also states that the revocation of the licence, even in the first instance, should seriously be considered.
- f. This is not the first time that illicit tobacco has been found at these premises. On the 3 June 2016, a minor variation application was submitted by the licence holder at the request of the Licensing Enforcement team following the seizure of illicit spirits, hand rolling tobacco and cigarettes from the premises. The letter recommending this action be taken can be seen on pages 24 28 of the report. The letter included a warning that if further similar offences are committed at the premises, the Licensing Authority would take immediate action in order to have the premises licence permanently revoked.
- g. As can be seen in the review application on page 17, the premises licence annual fee was paid almost a year late and the PLH had not notified the Licensing team that he had changed his home address. These matters have since been rectified.
- h. Given the previous warning and the large volume of cigarettes and hand rolling tobacco seized, the Licensing Authority believe it is appropriate to recommend that this licence be revoked. If the Licensing Committee is not minded revoking the licence in its entirety, then the Licensing Authority would recommend that the licensing conditions be updated as shown at pages 18-20 of the report. However, these are minimal changes updating the wording of 2 existing conditions as the Licensing Authority cannot think of any other conditions to add. All the ones normally added to a licence in this situation are already on the licence.

- 3. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:
 - a. In response to Councillor Aksanoglu's questions about the PLH's attendance for an interview in July 2021 and if the Licensing Authority had any correspondence back from the PLH in relation to the proposed amended conditions, Charlotte Palmer clarified that she had not heard anything from the PLH as to whether the slight amendments to the conditions were accepted. The Trading Standards officer would be carrying out the criminal investigation and therefore Charlotte Palmer had not been updated as to whether the interview had taken place or whether it had been re-scheduled.
 - b. In response to the Chair, the PLH was not present at the premises when the visit took place and the seizure of the illicit tobacco took place.
 - c. Mr Dadds (Dadds Licensing Solicitors) asked if Trading Standards had joined this review and if Trading Standards had finished their investigation yet. It was advised by Charlotte Palmer that all the information had come from Trading Standards and as she was not involved in the criminal investigation, she was unaware if the PLH attended the PACE interview or not.
 - d. Mr Dadds referred to the premises plan and location of the storage area outside of the licensed area that the illicit tobacco products were found. He asked if Charlotte knew the correct location of the boxes of illicit tobacco and if they were found in the storage area beyond the car park and not actually within the shop? It was advised that the boxes were found in the storage area at the back of the premises. Page 32 of the pack showed the storage area and shops stock. She had not been at the premises on the day, but it looked like there was an alley way to the storage area at the back. Mr Dadds referred to page 8 of the agenda and the premises plan stating that the boxes of illicit tobacco were not found within the licensed premises but were found in the storage area out in the back. Charlotte Palmer confirmed that the boxes were found stored at the back of the premises.
 - e. Mr Dadds advised that a packet of illicit tobacco was sold across the counter and no other products were found within the licensed premises, as shown on page 8 of the agenda. Charlotte Palmer agreed and said that as far as she was aware the boxes were all found at the storage area in the back.
 - f. Mr Dadds referred to the matter on the 3 June 2016, the quantity of tobacco that was found and that a warning was given. A member of staff had said that it was for their personal use. Was this correct, as his record stated? It was advised that the 3 June 2016 matter, the PLH were recommended, rather than face a licence review, to submit a minor variation to strengthen the

licence conditions which was then submitted. In response to Mr Dadds question about the quantity of tobacco found for personal use on the 3 June 2016, Charlotte Palmer advised that this information was not on the actual review but was for background information. Mr Dadds confirmed that he would make representations to that effect.

- 4. The Statement of David Dadds, Solicitor, on behalf of the applicant including:
 - a. Confirmed that the PLH could hear everything Mr Dadds was saying as he was connected virtually by telephone.
 - b. The LSC would be considering revocation of the licence today.
 - c. The guidance is that the LSC should seriously consider, even at first instance, the revocation of the licence. The LSC do not have to revoke the licence and is not automatic.
 - d. Mr Dadds encouraged the LSC to adopt the conditions, as set out and agreed in full, and suspend the licence up to 3 months.
 - e. Mr Dadds was requesting that revocation ought not be considered but rather the LSC agree a three-month suspension and accept the proposed amendments to the conditions for the reasons outlined below:
 - No residents objecting to the review.
 - No Police objecting to the review.
 - No Trading Standards objecting to the review.
 - No Customs & Excise objecting to the review.
 - f. This is a review bought by the Licensing Authority and at present is still subject to an investigation. It should not be discussed today but is open for discussion. Too much detail given may prejudice the criminal investigation.
 - g. In reply to Councillor Aksanoglu question, Mr Dadds has asked for the interview to be conducted in writing and the PLH will be co-operating with the LSC hearing a position summary on that.
 - h. The illicit tobacco wasn't found in the licensed area and was found in the storage rooms in the car park area at the back and a packet was sold. A rogue staff member, on their own account, bought in their own illicit tobacco and stored it at the outbuilding in the car park area. The staff member said he was looking after the tobacco for someone but not the PLH. The PLH had no knowledge of it. Clearly, we accept that the staff member had a packet on his person and sold a packet over the counter for his own personal gain and not the PLH.
 - i. No other tobacco products were found within the licenced area or the store. How frequently the employee was doing this for his own profit is a serious matter for the PLH and breach of trust of an employee. The PLH would be working with Trading Standards and the Police Service regarding the interview and provide relevant information.
 - j. It is the PLH responsibility to supervise the shop, but he was not aware or had any knowledge of it. There is CCTV for 31 days

- and there are no other matters arising. The storage area had now been secured and is only accessible by the PLH/management. This improvement in CCTV and supervision will avoid this happening again.
- k. We ask the LSC to consider a suspension as a course of conduct. We accept that a packet of illicit tobacco was sold, and that illicit tobacco was stored in an area off the premises in the car park away on the other side of the shop. But is within the curtilage but not within the licenced premises.
- The test purchase was passed on the 21 April 2021 along with a formal inspection passed in July 2016. Another visit on the 30 April 2018 was compliant along with several visits throughout where the premises have been compliant.
- 5. The applicant and representative responded to questions as follows:
 - a. In response to Councillor Jim Stevens question about the storage area and licensed area, it was advised that the storage area is within the curtilage of the premises but outside of the licensed premises. No tobacco had been found within the licensed area. The picture at page 32 of the agenda pack shows the illicit tobacco found in the storage area across the car park in the outbuilding. They were able to put away the illicit tobacco without the PLH seeing it. It wasn't so obvious for the PLH as it was in the storage area. It may have been more obvious to the PLH had it been hidden within the shop.
 - b. Clarification by David Dadds, in response to the LSC concern regarding the licensed area, the exact location of the storage area where the illicit tobacco was found using the plan on page 8 of the pack. The illicit tobacco was found on the premises but was stored in the storage area outside of the licensed area and away from view of the PLH.
 - c. In response to the Chair's suggestion and question relating to 2 storage areas, one within the licensed area and one outside of that and what other goods were being stored in the storage area outside of the licensed area, photo's on from page 32 of the pack were referred to showing the external storage area. The photo's showed that some alcohol bottles were also stored alongside the illicit tobacco. This storage area was not frequented by the PLH and the illicit tobacco boxes had been hidden within that area. The PLH was unaware of this.
 - d. In response to Councillor Aksanoglu's question regarding the numerous boxes of illicit tobacco found and that the PLH had no knowledge of this, it was advised that the PLH was unaware. In addition, there can be no criminal liability put to the PLH on the basis that he says he has no knowledge. It is not for the LSC to make a finding of fact on that as it would not be correct. The law states that the PLH has accepted that the illicit tobacco was there and undermines the licensing objectives. They do not accept liability that they had knowledge of that and say that the

- tobacco was put there by an employee and had they known this it would have been stopped.
- e. In response to Councillor Aksanoglu's question regarding the recommended amended conditions and if the PLH accepts these in full, it was clarified that the PLH does accept the recommended conditions in full and a suspension of the licence up to 3 months.
- f. In response to the Chair's regarding the employment status of the rogue employee and confirmation that this employee had a packet of illicit tobacco for his personal use which he sold to someone who came into the shop, it was clarified that the employee had been dismissed and that he would be cooperating with Trading Standards to address that issue. The PLH and Mr Dadds did not believe the explanation the employee had given about the one packet of illicit tobacco sold. They believed that the employee was selling the illicit tobacco which he says he was storing at the back of the premises.
- g. In response to the Chair's assumption that it was likely that more than one packet of illicit tobacco had been sold due to the photo, on page 33 of the pack, showing that the boxes of tobacco were not full or used for personal consumption. It was clarified that the illicit tobacco boxes, shown in the photo, may have been delivered as seen with nothing removed. But may be likely that other packets may have been sold. There is no known evidence that we had knowledge or involvement as PLH.
- h. In response to the Chair's enquiry regarding the number of staff members working at the premises, that it was unlikely that other staff members would not be unaware that this activity was taking place and that other staff members would not have visited the external storage area because had they visited they would have seen the alcohol and illicit tobacco. It was clarified that if someone wants to do this activity discreetly, they can do so without anyone's knowledge, in Mr Dadds opinion. Mr Dadd's understanding was that the employee had carried out this activity without the knowledge of others, the illicit tobacco boxes were stored away and not apparent and 1 or 2 packets were being sold throughout the day. The PLH had no knowledge of how many packets of tobacco were within the boxes. CCTV is available to the Local Authority if required. There is no evidence that the PLH was involved of liability. The PLH is not criminally liable and is therefore not guilty. But indirectly, had the PLH acted with due diligence, he accepts that could have done more.
- i. In response to Charlotte Palmer's question regarding why alcohol was stored in the unlicensed storage area, as stated by Mr Dadds, it was clarified that it was accepted that alcohol is stored in that area and should be shown on the plan but this was a minor matter and could be regulated. This can be remedied by ensuring nothing is stored in that area unless a minor variation is

undertaken. This was not a criminal offence and clarification was provided by Balbinder Kaur Geddes (Legal Representative). The legal representative clarified that the outside storage area should be on the plan. Alcohol should not be stored there and should be on the premises. There will need to be a rectification to the licence to either bring the external storage area within the Premises licence or to remove the alcohol from the storage area and bring it into the area that is licensed.

- j. In response to Charlotte Palmer's question regarding how often the PLH/DPS is at the premises, it was clarified that prior to the review the PLH would attend the premises every other day but since the review he is attending daily either in the morning or afternoon. With regards to the external storage area, the PLH only visited once a week as that area would be used by staff.
- k. In response to Charlotte Palmer's question about the number of staff at the premises because when she delivered the review application it appeared that there were 4 members working there, it was confirmed that there are normally 2 staff present. There is a morning and afternoon shift with an exchange over. Do no more than 2 staff present at any one time.
- I. In response to Charlotte Palmer's question regarding the new systems that the PLH has put into place for his control and if any of those systems are being offered as licence conditions, it was clarified that the external storage area would be checked frequently under the PLH control and the CCTV has been updated to view on his phone. The PLH was happy for these to be offered as licence conditions.
- m. In response to Charlotte Palmer's question regarding an agreement, should suspension of the licence be determined, where the PLH provides a voluntary undertaking that he will thoroughly check the whole of the premises and storage areas to ensure that there is nothing that has been bought in by anyone else shouldn't be there. Would the PLH agree to sign a document to this effect? It was clarified that the PLH would be happy to do this to ensure that all goods on site are duty paid and that the area is secure.
- 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 from Charlotte Palmer, Senior Licensing Enforcement Officer, that this was not the first-time smuggled goods had been found at the premises. The licence already has all the relevant conditions the Licensing Authority can think to attach to try to prevent such activity. The PLH was warned previously that should similar offences be committed at the premises; the Licensing Authority

- would act in order to have the premises licence permanently revoked as recommended by the Home Office guidance and this doesn't appear to have deterred them. The Licensing Authority still believes it is appropriate to recommend that this licence be revoked.
- 8. The summary statement on behalf of the applicant that a more proportionate and appropriate approach be recommended. To impose the conditions sought, with the additional condition, that will allow the Licensing Authority to do a full inspection to their satisfaction and any steps they wish to take to make sure that all storage areas are under the PLH control. To also prevent any alien goods to be stored at the premises. In relation to the guidance, its correct in the first instance that the LSC should consider revocation but they don't have to. Its about proportionality and each case it's on its own merits. The previous issue was over 5 years ago; personal use and two recent inspections have been passed since then. There was nothing to suggest to the PLH that this roque employee had been undertaking such activities, which goes against his business. The employee has since been dismissed. No neighbours, Councillors, Police, Trading Standards or Customs & Excise have made objections, and, on that basis, a more proportionate and appropriate approach would be to suspend the licence up to a period of 3 months with conditions. That would be a small deterrent. The Licensing Act is not about punishment, to apportion liability or blame or innocence and guilt, it is a matter for the courts. The PLH has been candid with the LSC, explained what happened and we ask for you too exercise your good judgement in a proportionate and appropriate way and to suspend the licence up to 3 months with conditions.

RESOLVED that

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

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

2. The Chair made the following statement:

"The Licensing Sub-Committee having listened to and considered written and oral submissions made by the Licensing Authority and on behalf of the premises licence holder, and in particular the evidence concerning the sale and seizure of illicit tobacco including 30 March 2021 and 29 April 2021 and having due regard to the history of activity in the sale and seizure of illicit

cigarettes and the failure of the premises licence holder to adhere to the licence conditions on the premises licence. The Licensing Sub-Committee is aware that it is entitled to revoke the licence in such circumstances and has seriously considered doing so. However, on balance the Licensing Sub-Committee has made the decision:

- **1.** To modify the conditions of the licence as outlined in Annex 3 of the published report; and
- 2. To suspend the premises licence for a period of 3 months.

The premises licence holder is required to submit the appropriate variation application to update the plan of the licensed area in Annex 4 of the premises licence, which must include the car park and all storage areas at the rear of Montague Supermarket and to include all storages area within the property.

The Licensing Sub Committee has considered the statutory guidance and the London Borough of Enfield's Policy Statement in making its decision and has made its decision in promoting the four licensing objectives and that of the Prevention of Crime and Disorder. The Licensing Sub-Committee has not considered any finding based upon criminal culpability which is a matter for the criminal process".

- 3. The Licensing Sub-Committee resolved to:
- (a) to modify the conditions of the licence;
- (b) to suspend the licence for a period not exceeding three months;

4 MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meetings held on Wednesday 10 March 2021 and Wednesday 19 May 2021 be adjourned until the next Licensing Sub-Committee meeting.