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LICENSING SUB-COMMITTEE

Contact: Democracy@enfield.gov.uk

Wednesday, 3 August 2022 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Council website: www.enfield.gov.uk

Councillors : Esin Gunes (Chair), Edward Smith and George Savva MBE

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. TOTO LOUNGE & BAR LTD, 74 ALDERMANS HILL, LONDON, N13 4PP (Pages 1 - 68)

Application for a new premises Licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 69 - 102)

To receive and agree the minutes of the meetings held on Wednesday 6 October 2021, Wednesday 20 October 2021 and Wednesday 27 April 2022.

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)

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MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE:
Licensing Sub-Committee
3 August 2022

REPORT OF :
Licensing Team

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT: Application for a New Premises Licence	
PREMISES: Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP	
WARD: Palmers Green	

1 LICENSING HISTORY:

- 1.1 This premises has previously operated as Kulfonik, a Polish convenience store, and more recently, Euro Market, a grocery store.
- 1.2 This premises is already authorised under the Licensing Act 2003, as premises licence LN/201100167 is in place, but is currently suspended as the annual fee has not been paid since 14/06/2021. The premises licence holder is Ms Kinga Garlinska and Ms Diana Siemieniuk is the named Designated Premises Supervisor (DPS). The premises licence authorised the sale of alcohol, off supply only, between the hours of 9am and 11pm daily. A copy of Part A of the premises licence is attached as Annex 1.
- 1.3 Premises licence LN/201100167 was first issued on 21 July 2011, when it was known as Kulfonik. The new premises licence application was subject to representations and therefore the application was determined by the Licensing Sub-Committee at a hearing on 15 June 2011. The Police and Licensing Authority had submitted representations initially, namely seeking conditions, which the applicant later agreed; therefore, those representations were withdrawn. Local residents, nine in total, objected on the grounds of representation include crime & disorder and public nuisance.
- 1.4 The Decision Notice, attached in Annex 2, shows that the premises licence application was granted in full. The full licensing committee report for this hearing can be found online at <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=7516> .
- 1.5 It is legally possible for a premises to have more than one premises licence. However, if that premises licence is no longer used, it should be surrendered. The Licensing Team have advised Ms Garlinska.
- 1.6 Premises licence LN/201100167 has not been subject to any licence review.

2.0 THIS APPLICATION:

- 2.1 On 13 June 2022 an application was made by Toto Lounge & Bar Ltd for a new premises licence at a premises described as “Restaurant Café/Coffee Shop”.
- 2.2 It is noted that the Companies House (correct of 20 July 2022) presents the following information:
- The company is registered to the same address: 74 Aldermans Hill, Palmers Green, London, United Kingdom, N13 4PP. Note that the address given in the application is different to the Companies House record.
 - Toto Lounge & Bar Ltd was incorporated on 4 December 2020;
 - The company number is 13062445;
 - Classified as “Retail sale in non-specialised stores with food, beverages or tobacco predominating”;
 - The only director is Alfons Prifti, Nationality: Albanian, Born in 1991.
 - This information can be found online here: <https://find-and-update.company-information.service.gov.uk/company/13062445>
- 2.3 This application seeks:

Table 1

Activity	Proposed Times
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday

- 2.4 The proposed DPS is Mr Alfous Prifti, note this is a different spelling to that on the Companies House record. It would be helpful to have this clarified.
- 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 3.
- 2.7 The premises is not located within one of Enfield’s Cumulative Impact Policy areas.

3.0 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** No representations were made to the application.
- 3.2 **The Licensing Authority:** Representations were made to the application under the licensing objectives Protection of Children from harm, Prevention of Nuisance and Prevention of crime and disorder. The Licensing Authority originally sought conditions on the representation dated 20 June 2022 but

later amended the representation on 12 July 2022, as can be seen in the Additional Information, namely, to reduce the licensable times sought.

- 3.3** The licensing agent, FSL Business Consultants, responded on 14 July 2022, stating the conditions from the first representation (20 June 2022) were agreed. No mention was made regarding the amended representation and the reduction of hours, and this has been followed up on with FSL Business Consultants. The Licensing Authority seek a reduction in the hours sought, (which is not agreed by the applicant/no response from applicant) as follows:

Table 2

Activity	Proposed Times by Applicant	Licensing Authority proposed times – as amended
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday	10am to 23:30 daily
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday	23:00 to 23:30 daily
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday	8am to midnight daily

- 3.4** A copy of the Licensing Authority representation and Additional Information is presented in Annex 4.
- 3.5** **Other Parties:** Representations have been made, against the application, by persons living or working at 11 (eleven) in surrounding roads, namely Aldermans Hill, Forestdale, Grovelands Road, Lakenheath and Lakeside Road. The grounds of representation are based on all four of the licensing objectives. Each “Other Party” is referred to as IP1, IP1 and so on. The Other Party representations are presented in Annex 5. The applicant has not responded in writing to the Other Party representations.

4.0 PROPOSED LICENCE CONDITIONS:

- 4.1** The conditions arising from this application can be found in Annex 6. These conditions have been agreed between the applicant and the Licensing Authority or were offered by the applicant in the Operating Schedule of the application.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

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

General Principles:

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are:
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to:
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

6.0 Hours:

- 6.1 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].
- 6.2 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].
- 6.3 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].

- 6.4 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].

Planning:

- 6.5 The Council refused planning permission for the proposed change of use of outbuilding at rear to Use Class E (Office) involving single storey rear extension and rear dormers with front rooflights together with alterations to fenestrations to front and rear elevations (ref. 21/02413/FUL). However, this was allowed at appeal, subject to conditions on 7 June 2022. Attached in Annex 7 is the appropriate appeal decision.

- 6.6 The Council will seek to avoid any duplication with other statutory/regulatory systems where possible. The Council will not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with the law relating to planning or building. [Pol 17.1]

Decision:

- 7.1 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.37].
- 7.2 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 7.2.1 the steps that are appropriate to promote the licensing objectives;
 - 7.2.2 the representations (including supporting information) presented by all the parties;
 - 7.2.3 the guidance; and
 - 7.2.4 its own statement of licensing policy [Guid 9.38].

- 7.3 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
 - 7.3.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 7.3.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 7.3.3 to reject the application [Act s.18].

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

Contact Officer :
Victor Ktorakis on 0208 1322 840

Licensing Act 2003

**PART A – PREMISES LICENCE**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: **LN/201100167****Part 1 – Premises Details**

Premises Name and Address: **Euro Market, 74 Aldermans Hill, LONDON, N13 4PP**

Where the licence is time-limited, the dates:

Not time limited

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

Not applicable

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

Operating Schedule Details

Location	Whole premises
Activity	Open to the Public
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	09:00-23:00
Saturday	09:00-23:00
Non-Standard Timings & Seasonal Variations	

Location	Off supplies
Activity	Supply of Alcohol
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	09:00-23:00
Saturday	09:00-23:00

Non-Standard Timings & Seasonal Variations	
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Part 2

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

Name: Ms Kinga Garlinska

Address:

Registered number of holder (if applicable):

Not applicable

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

Name: Ms Diana Siemieniuk

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:

Hertford East Council

Signed:



Date: 9 June 2020

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: (1) Cameras must be sited to observe the entrance/exit door, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.**
- 3. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 4. The front of the shop shall be secured by steel shutters when not open to the public.**

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

6. All training shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

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

8. 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.

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. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

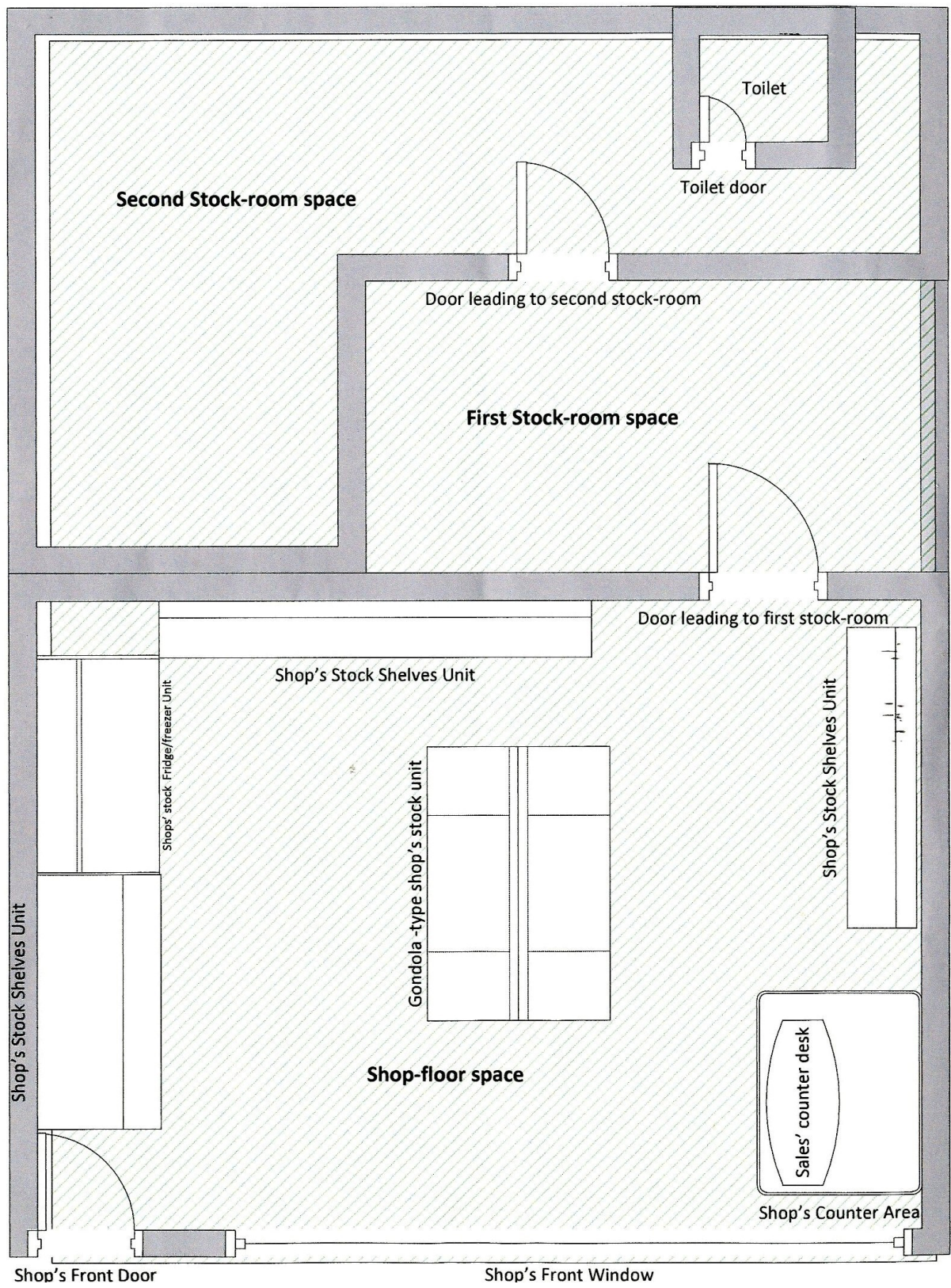
10. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

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

None

Annex 4 – Plans

‘Kulfonik’- Shop’s floor plan



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.
(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures –

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

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

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

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



LICENSING SUB-COMMITTEE – 15 JUNE 2011

Application was made by **KULFONIK LTD** for the premises known as and situated at **KULFONIK, 74 ALDERMANS HILL, PALMERS GREEN N13** for a new Premises Licence.

The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED IN FULL** as follows :

(1) Hours the premises are open to the public : Monday to Sunday from 09:00 to 23:00.

(2) Supply of alcohol (off supplies) : Monday to Sunday from 09:00 to 23:00.

Conditions (in accordance with Annex 06 to the LSC Report):

- (i) Conditions 1 to 3, which are not disputed,
- (ii) Conditions 4 to 12, which were agreed before the hearing.

Reasons:

The Chairman made the following statement :

"Having read all the written submissions and heard today from the applicant directly, the Licensing Sub Committee has resolved to grant the application in full.

We did give due consideration to the views of the interested parties, however, we do not feel their objections were made out. And so we have granted this licence as applied and with the hours sought."

Date Notice Sent : 15 June 2011

Signed :

Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Toto Lounge & Bar Ltd

(Insert name(s) of applicant)

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

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description 74 Aldermans Hill, Palmers Green			
Post town	London	Postcode	N13 4PP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£12,196

Part 2 - Applicant details

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

- | | | |
|--|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i as a limited company/limited liability partnership | <input checked="" type="checkbox"/> | please complete section (B) |
| ii as a partnership (other than limited liability) | <input type="checkbox"/> | please complete section (B) |
| iii as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |

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

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

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

I am making the application pursuant to a

statutory function or ☐

a function discharged by virtue of Her Majesty's prerogative ☐

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
Date of birth		I am 18 years old or over <input type="checkbox"/>		Please tick yes	
Nationality					
Current residential address if different from premises address					
Post town				Postcode	
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		

Date of birth		I am 18 years old or over <input type="checkbox"/> Please tick yes	
Nationality			
Current postal address if different from premises address			
Post town		Postcode	
Daytime contact telephone number			
E-mail address (optional)			

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Toto Lounge & Bar Limited
Address Unit 8 80-84 St. Mary Road, London, E17 9RE
Registered number (where applicable) 13062445
Description of applicant (for example, partnership, company, unincorporated association etc.) Limited Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

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

DD		MM		YYYY			
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

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

Restaurant Café/Coffee Shop

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

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

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

Provision of regulated entertainment (please read guidance note 2)

Please tick all that apply

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

Provision of late night refreshment (if ticking yes, fill in box L) ☒

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 7)			<u>Will the performance of a play take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for performing plays</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 7)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 7)			<u>Please give further details</u> (please read guidance note 4)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 5)
Wed			
Thur			
Fri			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 6)
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 7)			<u>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 5)		
Wed					
Thur					
			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 7)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon					
Tue					
Wed			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 5)		
Thur					
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

F

Recorded music Standard days and timings (please read guidance note 7)			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 3)		Indoors	<input type="checkbox"/>
					Outdoors	<input type="checkbox"/>
					Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)			
Mon						
Tue						
			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 5)			
Wed						
Thur						
			<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 6)			
Fri						
Sat						
Sun						

G

Performances of dance Standard days and timings (please read guidance note 7)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 4)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 5)		
Thur					
Fri			<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 7)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	<u>Will this entertainment take place indoors or outdoors or both – please tick</u> (please read guidance note 3)	Indoors	<input checked="" type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 4)		
Wed					
Thur			<u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u> (please read guidance note 5)		
Fri					
Sat			<u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 7)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 3)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input checked="" type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 4)		
Mon	23:00	23:30			
Tue	23:00	23:30			
Wed	23:00	23:30	<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 5)		
Thur	23:00	23:30			
Fri	23:00	00:30	<u>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</u> (please read guidance note 6)		
Sat	23:00	00:30			
Sun	23:00	23:30			

J

Supply of alcohol Standard days and timings (please read guidance note 7)			<u>Will the supply of alcohol be for consumption – please tick</u> (please read guidance note 8)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>State any seasonal variations for the supply of alcohol</u> (please read guidance note 5)		
Mon	10:00	23:30			
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30	<u>Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</u> (please read guidance note 6)		
Fri	10:00	00:30			
Sat	10:00	00:30			
Sun	10:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor (Please see declaration about the entitlement to work in the checklist at the end of the form):

Name Mr Alfous Prifti	
Date of birth [REDACTED]	
Address [REDACTED] [REDACTED] [REDACTED]	
Postcode	[REDACTED]
Personal licence number (if known) [REDACTED]	
Issuing licensing authority (if known) Broxbourne Council	

K

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

N/A

L

Hours premises are open to the public Standard days and timings (please read guidance note 7)			<u>State any seasonal variations</u> (please read guidance note 5)
Day	Start	Finish	
Mon	06:30	00:00	
Tue	06:30	00:00	
Wed	06:30	00:00	
Thur	06:30	00:00	
Fri	06:30	01:00	<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 6)
Sat	06:30	01:00	
Sun	08:00	00:00	

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

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

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.

The applicant will regularly provide appropriate training to their employees in connection with the sale/supply of alcohol including remedial retraining where required.

Appropriate staff will be properly trained on action to be taken when the fire alarm is activated.

b) The prevention of crime and disorder

All incidents will be recorded in an incident logbook kept at the premises. Additionally, any incidents of crime and disorder will be reported to the Police. CCTV to be maintained and correctly operated. Footage will be kept for 31 days.

Appropriate staff will be properly trained on action to be taken when the fire alarm is activated

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H2O and CO2), fire blanket, internally illuminated fire exits signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times. All building work, and the operation of the premises will be carried out in accordance with appropriate legislation.

d) The prevention of public nuisance

The applicant will endeavour to reduce any effects of light/sound pollution from the premises.

Customers will be discouraged from congregating outside the premises.

Trade waste agreement to be maintained. Notices will be displayed at exits asking patrons to disperse quietly and respect neighbours.

Customers leaving the premise will comply with the company's dispersal policy.

e) The protection of children from harm

All refusals are to be entered into a refusals book, which is to be made available to the Police or Authorised Council member of staff upon request.

The licensee & all employees shall request accredited proof of age cards for example, the Connexions card and Citizen Card, new type of driving licences with photographs, a passport, an official identity card issued by HM Forces or by an EU country, bearing the photography and date of birth of bearer.

A sign reminding customers that alcohol cannot be served to persons under the age of 18 shall be displayed on the premises.

Checklist:**Please tick to indicate agreement**

- I have made or enclosed payment of the fee. ☒
- I have enclosed the plan of the premises. ☒
- I have sent copies of this application and the plan to responsible authorities and others where applicable. ☒
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable. ☒
- I understand that I must now advertise my application. ☒
- I understand that if I do not comply with the above requirements my application will be rejected. ☒
- ☐ [Applicable to all individual applicants, including those in a partnership which is not a limited liability partnership, but not companies or limited liability partnerships] I have included documents demonstrating my entitlement to work in the United Kingdom (please read note 15). ☒

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

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 4 – Signatures (please read guidance note 11)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 12). **If signing on behalf of the applicant, please state in what capacity.**

Declaration	<ul style="list-style-type: none"> • [Applicable to individual applicants only, including those in a partnership which is not a limited liability partnership] I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 15). • The DPS named in this application form is entitled to work in the UK (and is not subject to conditions preventing him or her from doing work
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	relating to a licesable activity) and I have seen a copy of his or her proof of entitlement to work, if appropriate (please see note 15)
Signature	FSL Business Consultants
Date	01/06/2022
Capacity	Authorised Agent

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

Signature	
Date	
Capacity	

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

FSL Business Consultants
20-22 WENLOCK ROAD
LONDON

Post town	London	Postcode	N1 7GU
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Telephone number (if any)	
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If you would prefer us to correspond with you by e-mail, your e-mail address (optional)
licensing@fslconsultants.com

Notes for Guidance

- Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.
- In terms of specific regulated entertainments please note that:
 - Plays: no licence is required for performances between 08:00 and 23.00 on any day, provided that the audience does not exceed 500.
 - Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.
 - Indoor sporting events: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000.

- Boxing or Wrestling Entertainment: no licence is required for a contest, exhibition or display of Greco-Roman wrestling, or freestyle wrestling between 08.00 and 23.00 on any day, provided that the audience does not exceed 1000. Combined fighting sports – defined as a contest, exhibition or display which combines boxing or wrestling with one or more martial arts – are licensable as a boxing or wrestling entertainment rather than an indoor sporting event.
- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace that is not licensed to sell alcohol on those premises, provided that the audience does not exceed 500.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school or (iii) the health care provider for the hospital.
- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
 - any playing of recorded music between 08.00 and 23.00 on any day, in a church hall, village hall, community hall, or other similar community premises, that is not licensed by a premises licence to sell alcohol, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance from a person who is responsible for the premises.
 - any playing of recorded music between 08.00 and 23.00 on any day, at the non-residential premises of (i) a local authority, or (ii) a school, or (iii) a hospital, provided that (a) the audience does not exceed 500, and (b) the organiser gets consent for the performance on the relevant premises from: (i) the local authority concerned, or (ii) the school proprietor or (iii) the health care provider for the hospital.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500. However, a performance which amounts to adult entertainment remains licensable.
- Cross activity exemptions: no licence is required between 08.00 and 23.00 on any day, with no limit on audience size for:
 - any entertainment taking place on the premises of the local authority where the entertainment is provided by or on behalf of the local authority;
 - any entertainment taking place on the hospital premises of the health care provider where the entertainment is provided by or on behalf of the health care provider;
 - any entertainment taking place on the premises of the school where the entertainment is provided by or on behalf of the school proprietor; and

- any entertainment (excluding films and a boxing or wrestling entertainment) taking place at a travelling circus, provided that (a) it takes place within a moveable structure that accommodates the audience, and (b) that the travelling circus has not been located on the same site for more than 28 consecutive days.
- 3. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
- 4. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
- 5. For example (but not exclusively), where the activity will occur on additional days during the summer months.
- 6. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
- 7. Please give timings in 24 hour clock (e.g. 16.00) and only give details for the days of the week when you intend the premises to be used for the activity.
- 8. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
- 9. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups or the presence of gaming machines.
- 10. Please list here steps you will take to promote all four licensing objectives together.
- 11. The application form must be signed.
- 12. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
- 13. Where there is more than one applicant, each of the applicants or their respective agent must sign the application form.
- 14. This is the address which we shall use to correspond with you about this application.

15. Entitlement to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:

A licence may not be held by an individual or an individual in a partnership who is resident in the UK who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the carrying on of a licensable activity.

Any premises licence issued in respect of an application made on or after 6 April 2017 will become invalid if the holder ceases to be entitled to work in the UK.

Applicants must demonstrate that they have an entitlement to work in the UK and are not subject to a condition preventing them from doing work relating to the carrying on of a licensable activity. They do this by providing with this application copies or scanned copies of the following documents (which do not need to be certified).

Documents which demonstrate entitlement to work in the UK

- An expired or current passport showing the holder, or a person named in the passport as the child of the holder, is a British citizen or a citizen of the UK and Colonies having the right of abode in the UK [please see note below about which sections of the passport to copy].

- An expired or current passport or national identity card showing the holder, or a person named in the passport as the child of the holder, is a national of a European Economic Area country or Switzerland.
- A Registration Certificate or document certifying permanent residence issued by the Home Office to a national of a European Economic Area country or Switzerland.
- A Permanent Residence Card issued by the Home Office to the family member of a national of a European Economic Area country or Switzerland.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder indicating that the person named is allowed to stay indefinitely in the UK, or has no time limit on their stay in the UK.
- A **current** passport endorsed to show that the holder is exempt from immigration control, is allowed to stay indefinitely in the UK, has the right of abode in the UK, or has no time limit on their stay in the UK.
- A **current** Immigration Status Document issued by the Home Office to the holder with an endorsement indicating that the named person is allowed to stay indefinitely in the UK or has no time limit on their stay in the UK, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **full** birth or adoption certificate issued in the UK which includes the name(s) of at least one of the holder's parents or adoptive parents, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A birth or adoption certificate issued in the Channel Islands, the Isle of Man or Ireland **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A certificate of registration or naturalisation as a British citizen, **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A **current** passport endorsed to show that the holder is allowed to stay in the UK and is currently allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity.
- A **current** Biometric Immigration Document (Biometric Residence Permit) issued by the Home Office to the holder which indicates that the named person can currently stay in the UK and is allowed to work relation to the carrying on of a licensable activity.
- A **current** Residence Card issued by the Home Office to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights or residence.

- A **current** Immigration Status Document containing a photograph issued by the Home Office to the holder with an endorsement indicating that the named person may stay in the UK, and is allowed to work and is not subject to a condition preventing the holder from doing work relating to the carrying on of a licensable activity **when produced in combination with** an official document giving the person's permanent National Insurance number and their name issued by a Government agency or a previous employer.
- A Certificate of Application, **less than 6 months old**, issued by the Home Office under regulation 17(3) or 18A (2) of the Immigration (European Economic Area) Regulations 2006, to a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence.
- Reasonable evidence that the person has an outstanding application to vary their permission to be in the UK with the Home Office such as the Home Office acknowledgement letter or proof of postage evidence, or reasonable evidence that the person has an appeal or administrative review pending on an immigration decision, such as an appeal or administrative review reference number.
- Reasonable evidence that a person who is not a national of a European Economic Area state or Switzerland but who is a family member of such a national or who has derivative rights of residence in exercising treaty rights in the UK including:-
 - evidence of the applicant's own identity – such as a passport,
 - evidence of their relationship with the European Economic Area family member – e.g. a marriage certificate, civil partnership certificate or birth certificate, and
 - evidence that the European Economic Area national has a right of permanent residence in the UK or is one of the following if they have been in the UK for more than 3 months:
 - (i) working e.g. employment contract, wage slips, letter from the employer,
 - (ii) self-employed e.g. contracts, invoices, or audited accounts with a bank,
 - (iii) studying e.g. letter from the school, college or university and evidence of sufficient funds; or
 - (iv) self-sufficient e.g. bank statements.

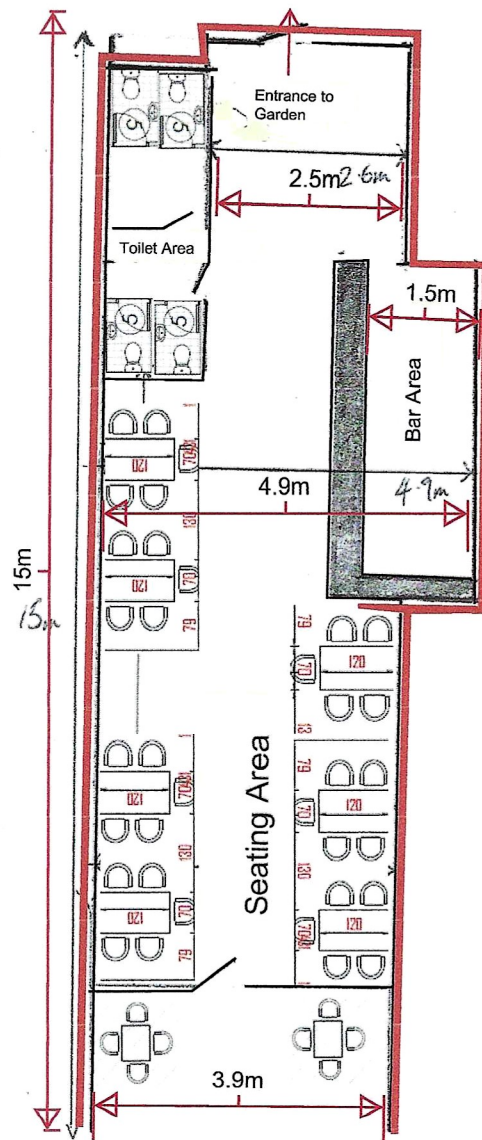
Family members of European Economic Area nationals who are studying or financially independent must also provide evidence that the European Economic Area national and any family members hold comprehensive sickness insurance in the UK. This can include a private medical insurance policy, an EHIC card or an S1, S2 or S3 form.

Original documents must not be sent to licensing authorities. If the document copied is a passport, a copy of the following pages should be provided:-

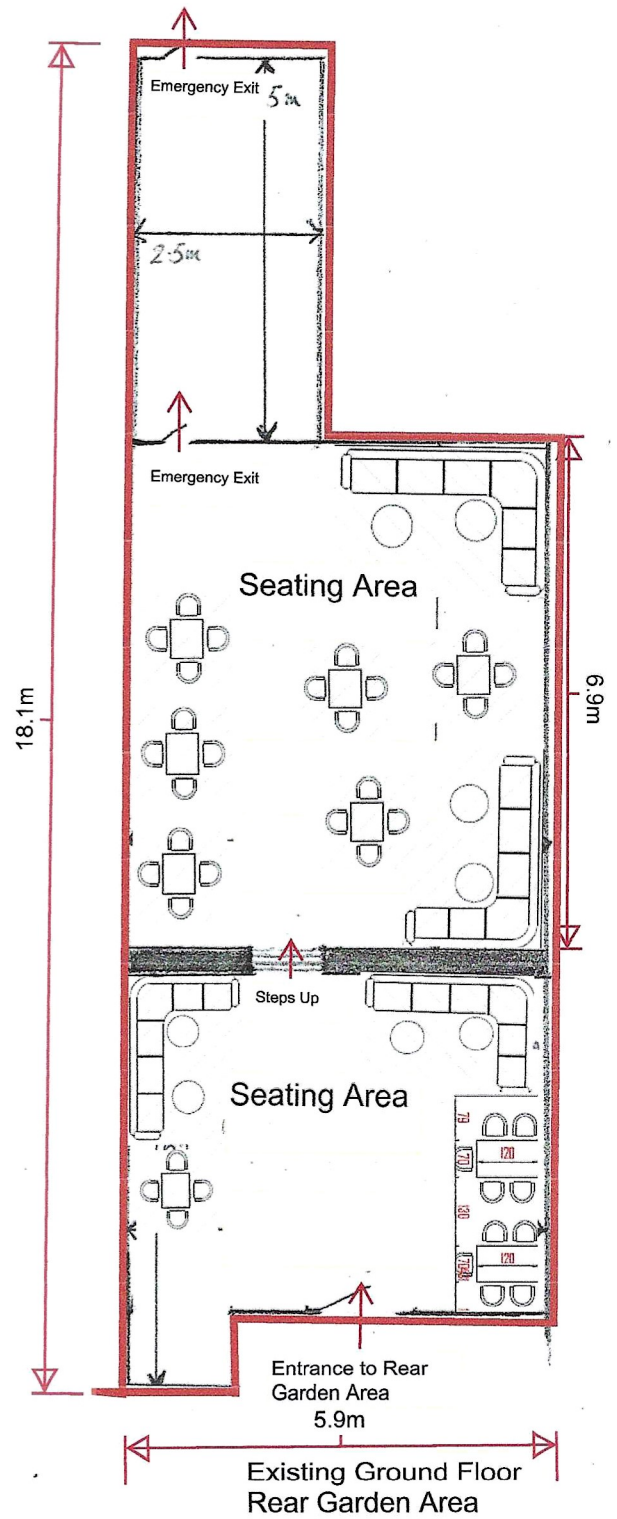
- (i) any page containing the holder's personal details including nationality;
- (ii) any page containing the holder's photograph;
- (iii) any page containing the holder's signature;
- (iv) any page containing the date of expiry; and
- (v) any page containing information indicating the holder has permission to enter or remain in the UK and is permitted to work.

If the document is not a passport, a copy of the whole document should be provided.

Your right to work will be checked as part of your licensing application and this could involve us checking your immigration status with the Home Office. We may otherwise share information with the Home Office. Your licence application will not be determined until you have complied with this guidance.



Existing Ground Floor



Toto Lounge & Bar Limited
74 Aldermans Hill, N13 4PP

Scale 1:100

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Annex 4

ENFIELD
Council

www.enfield.gov.uk



LICENSING AUTHORITY REPRESENTATION

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

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

Name and address of premises:

Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP.

Type of Application:

New Premises Licence

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

This is a new application for a restaurant café/coffee shop to provide licensable activities as detailed below.

Activity	Proposed Times
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday

I note music has not been applied for.

I wish to make representation on the following:

- **Protection of Children from harm**
- **Prevention of Nuisance**
- **Prevention of crime and disorder**

The Licensing Authority does not object to the hours or activities applied for however, if the licence is granted in full or in part the Licensing Authority recommends that the following conditions be attached to the licence in order to promote the licensing objectives:

1. All staff involved in the sale of alcohol shall receive induction and refresher training (at least every six months) relating to the sale of alcohol and the times and conditions of the premises licence.
2. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
3. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
4. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.
5. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
6. 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 area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
7. At least 2 members of staff shall be present on the premises between 19:00 until closing.
8. The external area at the front of the premises shall be designated for the use of smokers from 22:00 until closing time. There shall be no more than 5 persons using this designated area during these times. The designated area shall be adequately supervised to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times.
9. Staff shall actively discourage patrons from congregating around the outside of the premises.

10. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
11. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the surrounding area and dispose of litter in a responsible manner. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
12. 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.
13. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
14. 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.

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

If these conditions were accepted in full, I WOULD withdraw my representation.

Duly Authorised: Ellie Green, Licensing Team Manager

Contact: ellie.green@enfield.gov.uk

Signed: EGREEN

Date: 20/06/2022

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**LICENSING AUTHORITY REPRESENTATION – ADDITIONAL
INFORMATION**

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

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

Name and address of premises:

Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP.

Type of Application:

New Premises Licence

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

This information is in addition to the original representation dated 20 June 2022.

The amendments now sought have arisen in light of the information and concerns provided by local residents and feel that some matters should be addressed.

I now propose a reduction in hours of licensable activity, as the applicant is not known to us previously, but has allegedly demonstrated a lack of compliance with planning and building works time restrictions. At the later hour sought as per the original application, any non-compliances will have more significant impact on the local residents. The residents concerns are noted as officers have observed issues outside other licensed premises in the past.

Furthermore, the premises that the residents have often referred to, Broomfield Coffee Bar, is permitted the following:

- to be open between 8am and midnight daily;
- on supplies of alcohol only between 11am and midnight daily;
- live music (indoors) between 8pm and midnight daily;
- recorded music (indoors) between 10am and midnight daily.

I now propose:

Activity	Proposed Times by Applicant	LA proposed times – as amended
Supply of Alcohol (on supply only)	10am to 23:30 Sunday to Thursday 10am to 00:30 Friday & Saturday	10am to 23:30 daily
Late Night Refreshment (indoor and outdoor)	23:00 to 23:30 Sunday to Thursday 00:30 Friday & Saturday	23:00 to 23:30 daily
Opening hours	06:30 to 00:00 Monday to Thursday 06:30 to 01:00 Friday & Saturday 08:00 to 00:00 Sunday	8am to midnight daily

I confirm that no regulated entertainment such as live or recorded music has been applied for, nor have off sales of alcohol.

The sale of alcohol ceases half an hour before closing time, to allow for 30 minutes drinking up time.

Should the premises be able to show compliance within the times and conditions at the earlier hour successfully (should this application be granted), then a variation could be considered in the future.

The conditions sought in the original application are still valid.

This additional representation is based on supporting the following licensing objectives:

- **Protection of Children from harm**
- **Prevention of Nuisance**
- **Prevention of crime and disorder**

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

If these conditions and times were accepted in full, I WOULD withdraw my representation.

Duly Authorised: Ellie Green, Licensing Team Manager

Contact: ellie.green@enfield.gov.uk

Signed: EGREEN

Date: 12/07/2022

Annex 5

IP Representations

These representations have been received by local residents who live in surrounding roads, namely Aldermans Hill, Forestdale, Grovelands Road, Lakenheath and Lakeside Road.

IP1 Representation

I write to strongly object to the recent Late Night License application by Toto Lounge and Bar Ltd at 74 Aldermans Hill.

I live in xxxxx and the clientele of Broomfield Cafe at 64 Aldermans Hill is already causing a complete mayhem by cars and vans parking illegally and blocking our driveways as well as parking so close to the junction between Aldermans Hill and Grovelands Road, blocking visibility when turning and causing a great hazard to all residents in the neighbourhood.

Not to mention the masses of people gathering in front of the cafe and blocking the rather narrow pavement passage forcing people to walk on the road. The noise and cigarette buds piles are also not to ignore.

The Lakes estate is a quiet, family orientated neighbourhood and adding another late night establishment on the small stretch of high road in Aldermans Hill will not only create noise nuisance, but will increase the number of cars parking illegally on our road, create issues with drunk people causing trouble to residents as well as prevent residents from the quiet enjoyment of their homes.

I hope the above issues raised are taken seriously when considering above license application.

IP2 Representation

I wish to submit my objections to the above license on the basis of the **prevention of crime and disorder, public safety and the prevention of nuisance**.

The applicant has requested very long opening times hours with alcohol to be served for all but 3.5 hours on 6 days and all but 2 hours on a Sunday. There is also a provision for the license to be extended to allow alcohol to be sold for **on and off** the premises every night too.

I have read the existing license and whilst I can see that it requires:

1. a CCTV to be operable at all times,
2. for notices at eye level to be clearly displayed asking customers to respect the needs of local residents, and
3. notices stating that it is a **Drinking Control Area**

I do not consider these will be sufficient for the **prevention of crime and disorder**. The off sale of alcohol is 30 mins Sun-Thu i.e. just before closing which encourages people to stock up before they leave. I certainly don't understand the need to provide for off-sales for 1.5 hours on Fri-Sat given that the intended closing time is 1am. It is not an off license and shouldn't be given the rights to act as one. I would request that the off-sale of alcohol is withdrawn from the license to assist with **prevention of crime and disorder, public safety and the prevention of nuisance**.

The premises are in the middle of a residential area which is also a conservation area. I cannot see any provision for closing the doors and windows to avoid noise pollution to neighbours and residents in their homes or as they go about their business. You will see from the attached picture xxxxx that there are many other flats surrounding the premises. The back of the premises has been substantially extended and has perspex rather than glass windows. The roof is sloping and not made of tile; if the seating area extends into this extension it will cause a **public nuisance** as the noise will affect many neighbours.

Extended hours: allowing these premises to operate past midnight also serving alcohol is a public nuisance and not in line with other similar premises on Aldermans Hill. This late night opening/drinking will create a **public nuisance** and has been seen with Broomfield Coffee Bar which resulted in a curfew on hours. It could also open the floodgates to similar requests for an extension of hours which is not something that fits with it being located in a conservation area.

I would respectfully suggest that someone also takes a look at fire exits as currently the back of the property is adjoined to a very rickety building secured by a makeshift door. This does not look adequate and there appears to be no ongoing work to ensure there is a suitable fire exit from the rear. If the exit is not here but to the right hand side of the photo then the applicant should ensure that all construction materials and debris that clutters the exit is removed; this has been present for some months. I have attached a picture taken from the service road for you to see.





IP3 Representation

I am writing in relation to the notice of application for premises licence for the property at 74 Aldermans Hill N13 4PP, Toto Lounge & Bar. As a resident of 76 Aldermans Hill, I am extremely concerned and unhappy about this potential license. Since work started on this property, they have repeatedly and relentlessly worked outside of legal hours - late into the evenings, early in the mornings, and including Sundays and bank holidays.

I have been in contact with a member of planning enforcement by the name of Joynul Islam for some months, and when I raised my complaint he told me that he had been investigating them since October 2021, but nothing has changed.

Apparently they have been served numerous warnings and on 3rd March Mr Islam told me they were served with a Section 60 Notice under the provision of the Control of Pollution Act 1974.

These warnings & notices have been completely ignored, and the proprietors clearly have zero regard for the laws, stipulations and also the surrounding area and its tenants. They have already been 'testing' the sound equipment, blasting music as early as 7.30am. I do not expect this to change at all if permission is granted.

With this in mind, I am vehemently opposed to the granting of this license as I strongly believe it would be highly disruptive to the families that live nearby, and I believe this would fall under public nuisance.

The fact of the matter is they have already been a public nuisance, and have shown utter disregard for any rules and regulations.

I have attached some documentation which I sent to Mr. Islam previously. This only goes up to March, however it has continued to be an issue - but I stopped recording incidents after nothing changed and the team stopped responding.

I think that the proprietors of Toto Lounge & Bar have already proven they are not deserving of this license by the disruption they have already caused to the local area. The business is not respectful of the area and I am extremely concerned about how they will continue to conduct themselves if granted this license.

Record of where noise is coming from (address of premises) 74 ALDERMANS HILL N13 4PP

Name of occupier (if known) _____

Description of type of noise nuisance CONSTRUCTION WORK Number of pages _____

Record kept by name(s) [REDACTED] Address [REDACTED]

Record kept from (start date) 21/10/21 _____ to (last record date) 02/03/22 _____

I/we certify that the following entries are a true record of events (Signed) [REDACTED]

It is important that all information should be as accurate as possible as it may form the basis for legal proceedings
You will be required to attend court to give this evidence in person if legal proceedings are taken.



Please return this form to:
Pollution Control & Planning
Enforcement,
PO Box 57, Civic Centre
Silver Street, Enfield,
EN1 3XH.

planning.enforcement@enfield.gov.uk

(The first line has been completed as an example for you to follow when recording your own information)

Day and date	Time noise starts	Time noise ends	Source of disturbance and type of noise	Weather conditions	Effect of disturbance (e.g. sleep disturbance, headache, prevention of enjoyment of garden, damage etc.)	Location of Person Recording alleged noise	Sign including date and time
<i>Monday 19/09/2003</i>	<i>12:13 am</i>	<i>1:27 am</i>	<i>Flat above my flat (flat number 34) Radio noise and music</i>	<i>High winds and rain</i>	<i>The noise stopped me from going to sleep and woke up my baby</i>	<i>Main bedroom of my flat</i>	<i>J Bloggs 19/9/2003 01:35am</i>
<u>THURSDAY 21/10/2021</u>	<u>APPROX 07-7.30 AM</u>	<u>18-19:00</u>	<u>74 ALDERMANS HILL. SHOUTING. DRILLING. HAMMERING</u>	<u>DRY</u>	<u>THE NOISE OF WORKERS SHOUTING, YELLING AND CONSTRUCTION WORK WOKE ME UP AND CONTINUED ALL DAY</u>	[REDACTED]	[REDACTED]
<u>SATURDAY 15/01/2022</u>	<u>APPROX 10:00AM</u>	<u>18-19:00</u>	<u>74 ALDERMANS HILL. CUTTING. DRILLING. HAMMERING</u>	<u>WET</u>	<u>NOISE OF DRILLING OR OTHER POWER TOOLS. HAMMERING. SHOUTING ALL THROUGHOUT DAY. I WAS RECORDING PODCAST AND YOU CAN HEAR IT.</u>	[REDACTED]	[REDACTED]
<u>SUNDAY 16/01/2022</u>	<u>APPROX 08:20AM</u>	<u>AT LEAST 16:00</u>	<u>74 ALDERMANS HILL. CUTTING. DRILLING. HAMMERING</u>	<u>DRY</u>	<u>THE NOISE OF WORKERS SHOUTING, YELLING AND CONSTRUCTION WORK WOKE ME UP AND CONTINUED ALL DAY. I LEFT THE PROPERTY AT AROUND 16:00</u>	[REDACTED]	[REDACTED]

					AND THE WORK/NOISE WAS STILL TAKING PLACE.		
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Continuation Sheet – Noise Nuisance Record Form – Reference No. WK / [REDACTED]

Page 2 of 2

Day and date	Time noise starts	Time noise ends	Source of disturbance and type of noise	Weather conditions	Effect of disturbance (e.g. sleep disturbance, headache, prevention of enjoyment of garden, damage etc.)	Location of Person Recording alleged noise	Sign including date and time
<u>SATURDAY</u> <u>29/01/2022</u>	<u>14:25PM</u>	<u>APPROX</u> <u>18:00PM</u>	<u>74 ALDERMANS HILL.</u> <u>DELIVERING.MOVING</u> <u>OF MATERIALS.</u> <u>SHOUTING</u>	<u>DRY</u>	<u>SHOUTING WAS ON SITE AND ON THE</u> <u>STREET OUTSIDE THE SITE.</u> <u>VERY LOUD AND DISRUPTIVE.</u>	[REDACTED]	[REDACTED]
<u>SUNDAY</u> <u>30/01/2022</u>	<u>12:50PM</u>	<u>APPROX</u> <u>18:00PM</u>	<u>74 ALDERMANS</u> <u>HILL, CUTTING,</u> <u>DRILLING, OR SANDING</u>	<u>DRY</u>	<u>DRILLING/ELECTRIC SANDING. INCREDIBLY</u> <u>AND VIBRATING THROUGH BUILDING.</u> <u>AFFECTING MY ABILITY TO DO AUDIO</u> <u>RECORDING WORK THAT I NEED TO DO.</u>	<u>AUDIBLE</u> [REDACTED]	[REDACTED]
<u>TUESDAY</u> <u>08/02/2022</u>	<u>16:00pm</u>	<u>APPROX</u> <u>18:00PM</u>	<u>74 ALDERMANS HILL –</u> <u>SHOUTING, AND</u> <u>STARTED A FIRE</u>	<u>DRY</u>	<u>ALTHOUGH I AM AWARE FIRE IS NOT A</u> <u>NOISE ISSUE, I AM NOT HAPPY ABOUT A</u> <u>REFUSE FIRE BEING LIT NEXT TO MY HOME</u>	<u>SHOUTING</u> <u>AUDIBLE</u> [REDACTED]	[REDACTED]
<u>TUESDAY</u> <u>22/02/2022</u>	<u>7:50AM</u>	<u>APPROX</u> <u>18:00PM</u>	<u>74 ALDERMANS</u> <u>HILL, HAMMERING AND</u> <u>BANGING</u>	<u>DRY</u>	<u>HAMMERING, BANGING AND GENERAL</u> <u>NOISE, WOKE US FROM SLEEP</u>	<u>AUDIBLE THROUGH</u> <u>ENTIRE FLAT NEXT</u> <u>DOOR.</u>	<u>C. EDWARDS</u> <u>22/02/2022</u> <u>18:00PM</u>
<u>WEDNESDAY</u> <u>23/02/2022</u>	<u>7:54AM</u>	<u>APPROX</u> <u>18:00PM</u>	<u>74 ALDERMANS</u> <u>HILL, SHOUTING AND</u> <u>BANGING</u>	<u>DRY</u>	<u>HAMMERING, SHOUTING, BANGING AND</u> <u>GENERAL NOISE, WOKE US FROM SLEEP</u>	<u>AUDIBLE THROUGH</u> <u>ENTIRE FLAT</u> [REDACTED]	[REDACTED]
<u>SATURDAY</u> <u>26/02/2022</u>	<u>7:52AM</u>	<u>APPROX</u> <u>16:00PM</u>	<u>74 ALDERMANS HILL</u> <u>DRILLING AND</u> <u>BANGING</u>	<u>DRY</u>	<u>DRILLING, SHOUTING, BANGING AND</u> <u>GENERAL NOISE, WOKE US FROM SLEEP</u>	<u>AUDIBLE THROUGH</u> <u>ENTIRE FLAT</u> [REDACTED]	[REDACTED]
<u>SUNDAY</u> <u>27/02/2022</u>	<u>APPROX</u> <u>10:00AM</u>	<u>APPROX</u> <u>15:00PM</u>	<u>74 ALDERMANS HILL</u> <u>ELECTRIC SAWING</u>	<u>DRY</u>	<u>ELECTRIC SAWING/CIRCULAR SAW AND</u> <u>GENERAL NOISE</u>	<u>AUDIBLE THROUGH</u> <u>ENTIRE FLAT</u> [REDACTED]	[REDACTED]

IP4 Representation

I'm a writing to you to express my objection to the application for a license at 74 Aldermans hill N134PP.

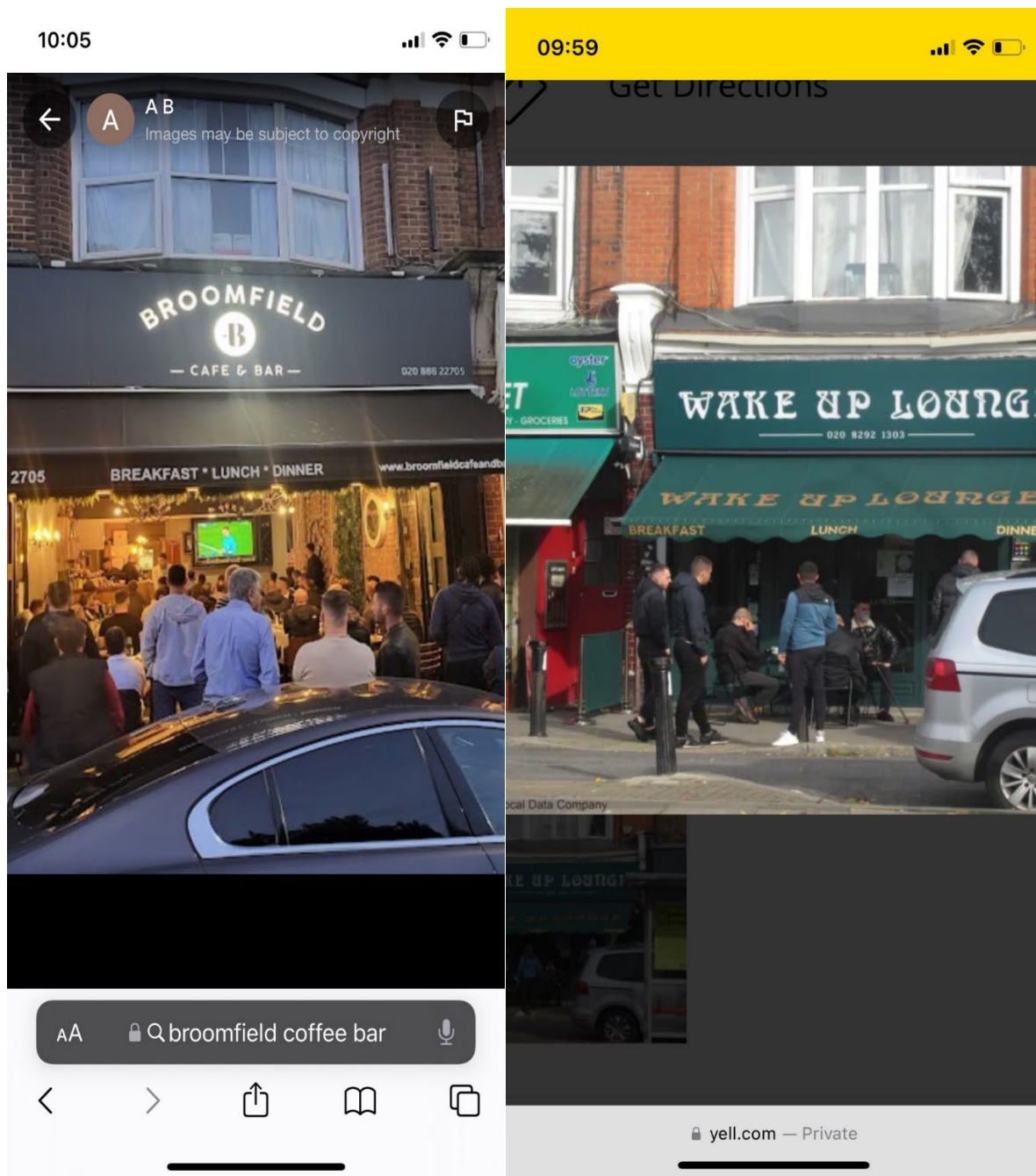
I'm extremely concerned with the situation as a whole in the borough of Enfield. There seems to be a unprecedented amount of these "coffee shops" opening up in the area that are already flouting the licensing laws and operating as bars and serving alcohol.

As a young women with young children, it is extremely intimidating to walk down Ashfield parade, outside the green on Cannon hill and down Aldermans hill and another bar will create more intimidation and nuisance.

Walking to my local shops or park should be a pleasure, not something I dread for fear of being leered at by groups of men.

I implore Enfield council to act not just to refuse this licence application but to look at what is going on in our community as a whole.

I have attached some google images that you can also find for yourselves to give you an idea of what is going on.



IP5 Representation

I would like to raise an objection to the licence application at Toto lounge 74 alderman's hill.

I feel it is not in the best interest of the the local community to have a bar situated in such a residential area.

There are number of reason for my concern.

- 1.The premise is an residential area opposite a park enjoyed by many family's and children who maybe negatively impacted by the addition of a bar.
 - 2.The pavement is already narrow and there will obviously be overspill on the pavement from patrons which will cause nuisance and maybe intimidation for people trying to simple make there way home or enjoy a walk with there family's.
 - 3.A bar creates a certain type of ambience and will likely cause noise complaints from surrounding neighbours.
 - 4.The area may need extra policing to deal with drunk as disorderly patrons.
-

IP6 Representation

We are emailing regarding the application for the grant of a Premises Licence for the Toto Lounge & Bar, at 74 Aldermans Hill, Palmers Green, N13 4PP.

We xxxxx.

We would like to raise some concerns about the proposal to grant the licence, specifically under the Licensing Objective targeting the prevention of public nuisance.

As employees of organisations that have instigated a 100% working from home policy due to Covid we are in our flat for the majority of our time.

We cannot help but feel dismayed that after more than one year of building work going on next door, we may now face further noise disruption from having a potentially busy business with late night alcohol sales fuelling noise pollution, drunken behaviour or even vandalism outside our front door.

Such a situation would also likely have a negative impact on the value of our property.

We would ask that if a Premises Licence must be granted for this business, the hours are limited with respect to the fact that there are domestic properties above and around the location. The people who live in them wish to relax and to sleep during times when a bar would typically be serving alcohol and generating associated issues such as noise pollution from music and footfall as a result.

Many thanks for your time and consideration,

IP7 Representation

I am sending this email to very very strongly object to this being granted.

My flats are rented out to lovely tenants who at present enjoy the area very much.

If this license is granted there will be

1. Continual music noise 7 days a week until the early hours of the morning. My tenants will have to have to keep their windows closed in the summer months to help dull the noise
2. Create drug related problems.
- 3 Encourage anti-social behaviour.
- 4 It will also encourage more criminal activity in the area.
- 5 It will make the area unsafe for the general public.
- 6 It will make my flats very difficult to rent therefore putting undue pressure on my business.

IP8 Representation

As a local resident I feel strongly the council should not enable and encourage late night sales of alcohol consumed on the premises and refreshments on and off the premises for the following contraventions of licensing objectives:

- Contrary to the licensing objective of the prevention of public nuisance and the protection of children from harm, late night alcohol and refreshments on and off premises risks enabling excessive drinking, noise and smoking to impact local residents. Given the intent to also sell shisha smoking, this risks second hand smoke as a public nuisance and risk to health for neighbours and those walking past the premises including children.
- Contrary to the licensing objective of prevention of crime and disorder, a late night drinking, shisha and eating establishment risks encouraging and enabling noise, drunk and disorderly behaviour in what is a quiet family area.
- Contrary to the objective of public safety, late night opening encourages and enables late night shisha smoking impacting health of neighbours and passers by
- Contrary to the licensing objective of prevention of crime and disorder, it also offers those who may wish to conduct illegal business another late night venue in the area from which to do so

For these reasons, please do not approve this application for late night drinking and refreshments.

IP9 Representation

I wish to make a representation relating to the application for a premises licence for Toto Lounge & Bar Limited. I strongly object to this application for the following reasons:

Prevention of public nuisance and crime and disorder

- The hours requested in this application are excessive for the area which is predominantly residential.
- Late night drinking, eating and smoking outside both the front and rear of the property will cause sufficient noise pollution for neighbouring properties (flats above the commercial premise and nearby houses on Grovelands Road).
- We have a similar premise at no. 64 Aldermans Hill. Since the opening of this cafe bar, we have experienced a persistent problem with litter and flytipping (cans and bottles of alcohol thrown on pavements and in residential gardens), customers fighting on the street and drunk driving accidents. A new late night drinking hotspot will only exacerbate this existing problem.
- The service road behind the bar is a crime hotspot for drug dealing. Late night drinking and potential loitering will only exacerbate this existing problem.

There is no reference to music in the application. I strongly request it be made a condition that doors and windows must be closed when music is playing.

Following the recent refurbishment of the unit, a rear extension/canopy (photo attached) has been erected without formal planning permission, presumably to accommodate outdoor smoking and the consumption of alcohol and food off premise. Can this be investigated by the planning enforcement team asap?



IP10 Representation

I am writing to object to the license on the grounds of possible public nuisance from this venue and feeling unsafe as a woman walking home as these lounges tend to be frequented by large groups of men.

The application is for late night drinking on every night of the week. We already have a Shisha bar at the bottom of green lanes so feel no need for a second in such close proximity.

The roads surrounding this part of Aldermans hill are a conservation area and this is not in keeping with the area and the type of clientele it is likely to attract.

I live on one of the roads off Aldermans hill and am already disturbed when one off events finish at starfish or 90 on the green. They however are earlier in the evening and not every evening. So find it acceptable.

Clientele often do not live in these roads and have no regard for residents when leaving especially if the venue is solely for drinking.

We have already had one establishment on Aldermans Hill with a revoked licence for reasons such as safety and public nuisance. It took many complaints and several years for this action to take place in my understanding.

On leaving local venues clientele are often loud and drunk and hang around in groups before driving off. Residents who sleep at the front of our houses will be disturbed.

IP11 Representation

I am writing to raise an objection against the application for a late/ alcohol licence from the property located at 74 Aldermans Hill "Toto Lounge & Bar Limited"

I am extremely concerned about this as there have been multiple noise disruptions since work started on this property - I have been in constant contact with Enfield council in regards to the anti-social noise levels over the past year.

An outdoor area has been constructed to the rear of the property where my bedroom over looks, if the license is granted it will make it near enough impossible for us to sleep at a reasonable time. Multiple speakers have been placed around the outside area which we have already experienced loud music being played from at anti-social hours - I have recorded voice notes if needed.

This is a residential area where families with young children live and working people- there has been no regard for the residents since this property was bought. Constant noise from building work, music and shouting have been reported to Enfield council

multiple times. I work from home and this year has been near enough impossible to work with the amount of noise.

The outside of the establishment is already littered with cigarette butts and litter - I believe this will only get worse once the bar has opened.

If a late licence is issued it will make it unbearable to live in this property and the surrounding properties.

I have also noticed this license application has not been recorded on Enfield council's website. If the only way people are being made aware of the application is one small notice at the front of the building, I imagine not a lot of residents are aware of this.

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Appeal Decision

Site visit made on 7 June 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 July 2022

Appeal Ref: APP/Q5300/W/22/3292801

74 Aldermans Hill, London N13 4PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Penfold on behalf of Tigris Holdings Ltd against the decision of the Council of the London Borough of Enfield.
 - The application Ref 21/02413/FUL, dated 21 June 2021, was refused by notice dated 17 August 2021.
 - The development proposed on the application form is: single storey rear extension, rear dormers and alterations to outbuilding in connection with use as an independent office (Class E).
-

Decision

1. The appeal is allowed, and planning permission is granted for the single storey rear extension, rear dormers and alterations to outbuilding in connection with use as an independent office (class E), at 74 Aldermans Hill, London, N13 4PP, in accordance with the terms of the application, Ref 21/02413/FUL, dated 21 June 2021, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal on the character and appearance of the appeal building, the frontage building and the surrounding area, and whether it would preserve or enhance the Lakes Estate Conservation Area (CA) in which it sits.

Reasons

4. The appeal site comprises a one and a half storey traditional brick-built building within a mews street. It features a steep pitched roof with a dormer window that overlooks the service yard and rear elevation of a three-storey terraced building, described by the Council as the frontage building. The elevation overlooking the mews street features a traditional brick elevation with large door opening.
5. The mews street runs between Lakeside Road and Old Park Road and provides rear access to a number of ancillary buildings that are, or once were, associated with servicing the main commercial units located in the ground floors of the attractive three storey terraced buildings that fronts Aldermans Hill.

6. It sits within the CA which covers a dense residential area between Palmers Green and Southgate Green that is generally characterised by closely spaced Edwardian semi-detached houses with some terraces. The Conservation Area Character Appraisal 2015 (CACA) advises that the special architectural and historic character of the CA derives primarily from the homogenous, collective value of its high-quality Edwardian housing.
7. The CACA identifies a high proportion of properties within the CA as making a positive contribution to its character and appearance, including properties located along Aldermans Hill and I would agree. However, it states that the mews street is very degraded, and this has a negative effect on the character of the area.
8. Buildings along this section of the mews vary in size, scale, and form, with a number of them appearing to be in various states of repair/disrepair. This includes the appeal site which appears dilapidated and disused. Whilst there appears to have been some recent development in the area, for example at No. 72 and opposite the appeal site, the area appears to be in the same *unsatisfactory* condition as referenced in the CACA. It is this ad-hoc pattern of development that now forms part of the character and appearance of the mews street.
9. The CACA also notes that the appeal site is the only one of the original service buildings to survive in this section of mews in anything like its original form. Nevertheless, given its dilapidated and disused state, it makes little contribution to the character and appearance of the mews street. As such, the appeal building when viewed in the context of this part of the mews street, does not contribute to the significance of this part of the CA or the CA as whole.
10. The Council consider the appeal site to be a non-designated heritage asset, however, it has not found its way into the register of locally listed buildings which was updated in 2018. Furthermore, no substantive evidence has been provided as to why the appeal site would be considered of greater architectural or heritage importance than the frontage buildings which are considered to be buildings that make a positive contribution to the CA and yet are not included in the Councils local list.
11. The proposal seeks a single storey extension with rear dormers and alterations to the outbuilding in connection with its use as an independent office. From the mews street, the proposal would appear similar in scale with its original form retained. Changes to the front elevation, including the blocking up of the large door opening and the insertion of smaller windows and an entrance doorway, these changes would be seen in the context of other neighbouring buildings which have an array of different sized windows and doors upon the elevation that overlooks the mews street.
12. The proposed two dormers upon the rear roof plane would replace a single dormer and, given that these would be located at the rear, visibility from the street would be limited. Furthermore, the insertion of the proposed dormer windows would be similar in design and form to those seen on the front elevation of the neighbouring property at No. 80, which are highly visible in public views. Moreover, whilst the resulting development would see a number of design changes, the overall form of the original front building would be retained. Thereby preserving it in a manner appropriate to its significance, a

fundamental requirement of Policy DMD 44 of the Development Management Document 2014 (DMD).

13. To the rear, the proposed single storey extension with flat roof, lantern insert, and large aluminium frame doors would cover a large area of the existing open service yard. Nevertheless, its scale and extended footprint would appear in keeping with other developments seen throughout this part of the mews, indeed some cover the entire area between the service building and the frontage building. Furthermore, it would not appear to extend beyond the footprint of the neighbouring development at No. 72, which was recently granted approval by the Council ¹. It would not therefore appear overbearing, cramped or out of character with other developments seen throughout this section of mews.
14. The proposal goes some way to bringing back some consistency and improvement into the mews by retaining the original form and pitched roof of the original front building. The footprint of the resulting development would be consistent with the neighbouring development line at the rear of No. 72 and again this would be seen as introducing some cohesion back into the area. Furthermore, it would be seen in the context with other neighbouring extensions which the Council has recently approved, including the development at No. 72. I therefore consider the effect of the proposal on the nearby CA would be a neutral one.
1. Given the proposal's overall design, scale and form, I conclude that the proposal would not harm the character and appearance of the appeal building, the frontage building and the surrounding area. As such it would have a neutral effect on the CA thereby preserving the character and appearance of the CA. As such it accords with Policies DMD 37, DMD 39 and DMD 44 of the Development Management Document (2014) (DMD) and Policies CP30 and CP31 of Enfield Plan Core Strategy (2010-2025) (2010), and the aims of the CACA, which collectively seek amongst other things that all development is to be of the highest design, that capitalises on opportunities for improving an area, makes efficient use of the site, and responds to and preserves the established local character and context.
2. In addition, it would accord with Policies D4 and HC1 of The London Plan (2021) which seeks development to respond to the existing character of a place and be of high quality and is sympathetic to CA's significance and appreciation within their surroundings. The development would also avoid conflict with the National Planning Policy Frameworks historic environment conservation requirements.

Other Matters

3. The Council has not raised any concerns in respect of the setting of the nearby listed buildings, Grade II* listed Broomfield House and Grade II listed Broomfield House Park, and nearby locally listed buildings. It has stated the appeal building has a limited bearing on these designated and non-designated heritage assets. From what I have read and from what I saw at the time of my site visit, I see no reason to consider otherwise.

¹ Planning Reference 18/04575/FUL

Conditions

4. I have considered the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity. The Council has sought a number of pre-commencement conditions. Advice in the Planning Practice Guidance is clear that such conditions should only be used where there is a clear justification and that the timing for the submission of details is fundamental to the decision. Having considered the suggested conditions, none of the details appear to be genuinely necessary 'prior to commencement' and, where conditions are necessary, I have amended the suggested wording to require the submission of details at an appropriate stage.
5. The standard time limit condition is necessary to ensure that the development is built in accordance with the submitted plans for certainty. To safeguard the appearance of the area, it is necessary that samples of the external materials, be submitted for approval. Further conditions relating to the hours of operation and the use of the development are also necessary in order to protect the living conditions of neighbouring occupiers
6. The Council also suggested conditions to secure the details of the waste storage and recycling facilities along with cycle parking. It is considered reasonable and necessary to attach conditions securing the siting of the refuse storage area within the appeal site along with the siting of the cycle parking details in the interest of amenity. Details relating to the refuse collection would be in accordance with the Councils refuse collection service and not considered necessary.

Conclusion

7. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR

Schedule of Conditions

1. This development must be begun within three years from the date of this permission.
2. The development hereby permitted shall be implemented in accordance with the following approved plans and documents:
 - AT813 – 200 site plan and location plan,
 - AT813 – 201 existing plans and elevations,
 - AT813 – 202 proposed plans and elevations.
3. The premises shall be used solely for those uses that fall within Use Class E (Shops, Professional or Financial Services and Business (office, research and development and light industrial process) of the Town and Country Planning (Use Classes) Order 2020 (as amended), (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
4. Prior to first occupation of the unit hereby approved, details of proposed opening hours for the business and working at the premises, shall be submitted to and approved in writing by the Local Planning Authority and thereafter operated within those agreed hours.
5. Prior to first occupation of the unit hereby approved, details of the siting for the refuse storage facilities shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for waste storage facilities.
6. Prior to first occupation of the unit hereby approved, details of the siting, number and design of the cycle parking spaces shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be installed and permanently retained for cycle parking.

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LICENSING SUB-COMMITTEE - 6.10.2021**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 6 OCTOBER 2021****COUNCILLORS**

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

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 IP2) on behalf of local residents objecting.

1**WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Taylor as Chair welcomed all attendees to the meeting. Sub-committee members confirmed their presence. Officers, applicants and representative, and IP2 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 the Licensing Authority for a review application (LN/201500123) at the premises known as The Winchmore Public House and situated at 235 Winchmore Hill Road, London, N21 1QA.

NOTED

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

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- a. The application was for a review of the premises licence for premises known as 'The Winchmore' situated at 235 Winchmore Hill Road, N21 1QA.
- b. The premises have held various premises licences over the years and has had a history of note as detailed from page 1 of the report.
- c. The current PLH is Celtic Cross Ltd and has been PLH since 3 June 2015. Mr Mark Walsh and Miss Eimear Walsh are the company directors. Mark Walsh was the DPS until recently and now it is Eimear Walsh.
- d. The review application has been submitted by the Licensing Authority and seeks to amend conditions and reduce licensable activities times in order to support the prevention of crime and disorder, prevention of public nuisance and the protection of children from harm licensing objectives.
- e. This is in response to several reports that the PL has been unable to control the noise and dispersal of customers leaving the premises at closing time causing anti-social behaviour (ASB). Local residents have reported their concern and that this affecting them.
- f. The conditions sought have continued to be mediated upon between the Licensing Authority and the Premises Licence Holder (PLH) and the current position can be seen in Annex 8 which was circulated on Tuesday 5 October 2021.
- g. Those conditions not agreed require the Licensing Sub-Committee (LSC) to decide to:
 - Keep the original conditions or modify the conditions either as sought by the Licensing Authority, referred to as the 'B' conditions.
 - Or those conditions proposed by the Licensing Authority, which are referred to as the 'C' conditions in Annex 8.
 - Or a 'D' option, depending on mediation.
 - Or there may be a new condition the LSC may deem appropriate.
- h. The position of changes to licensable activities can be seen from page 57 of the report. The only times for licensable activities Not agreed between the Licensing Authority and PLH and therefore only the matters that need determining by the LSC are:
 - That the Licensing Authority seek the premises to be open from 9:00am – 11:30pm – Fri – Sat. The licensing hours currently allows the premises to be open to 12:30am.
 - The Licensing Authority seeks alcohol sales from 10:00am – 11:00pm – Fri – Sat (reduced hours). The licence currently allows alcohol sales from 10:00am – midnight.Effectively an hour reduction on both licensable activities.

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- i. The review no longer seeks to suspend the licence, as a minor variation application to amend the plan, has been submitted. The full review application can be seen in Annex 2 from page 19 of the report.
 - j. The review representations supporting the review application from the Police and 5 local residents who live on various surrounding streets are referred to as IP1 – IP5. Those representations can be seen from page 102 of the report. Additional representations were also received from local residents who opposed the review application and support the licence holder. These are detailed from page 121 of the report.
 - k. Present at the review hearing were Charlotte Palmer on behalf of the Licensing Enforcement Team, the PLH Mark and Eimear Walsh from Celtic Cross Ltd represented by George Domleo from Flint Bishop Law firm, representing the Police, Leon Christodoulou and Donna Wilcox and on behalf of the residents IP2.
- 2. The Statement from Charlotte Palmer on behalf of the Licensing Authority (Senior Licensing Enforcement Officer):
 - a. Following discussions with the PLH's and their representative the Licensing Authority were pleased to say that a number of conditions and amended licensable hours had already been agreed.
 - b. Charlotte Palmer went through each un-agreed amended condition and stated the reasons why the Licensing Authority believed the changes were appropriate. As detailed within the Supplemental Agenda (Annex 8) from page 3 of the report.
- 3. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:
 - a. The current opening times on the licence at present were:
 - 09:00am – 11:30pm – Sun – Thursday
 - 09:00am – 12:30pm – Fri - Sat
 - b. No changes had been made to the Sunday – Thursday hours. The Licensing Authority were proposing a change to 09:00am – 11:30pm Fri – Sat which is a one-hour reduction in opening hours from Friday to Saturday. The opening hours had not changed as part of the last variation.
 - c. The hours for Fri -Sat were granted at a variation in June 2016.
- 4. The Statement of Leon Christodoulou representing the Police:
 - a. The Police were alerted to the premises back in July 2021 when the Euro football incidents had happened. The premises were a hub of concern, as detailed in the report, as it was in a residential area. The key area of concern was the younger element of clientele attracted to the pub. Younger customers leaving the premises caused the main disruption outside the pub in Bury Road/Winchmore Hill Road junction.

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- b. The Police representation made were to support the Council for the nuisance and dis-order that they want to prevent from happening and to support residents within that area.
 - c. The reduction in hours of the licence would play a key part by customers leaving an hour earlier and consuming less alcohol.
 - d. The Police had worked with the premises and were present at the premises during a busy period and had witnessed the door supervisors not adhering to what they should have been doing. This was the observation of these groups through the provision of CCTV and not seeing security outside the premises at dispersal times. The Police team wanted to encourage the premises to ensure that security is more focussed on the safety and security of clientele attracted to the premises. This was why approved Security Industry Authority (SIA) had been referred to in that condition.
 - e. PC Donna Wilcox had attended the premises during the Euro Championships and first hand evidence of issues encountered at the premises during this time are detailed from page 102 of the report.
- 5. Leon Christodoulou and Donna Wilcox (Police Authority) responded to questions as follows:
 - a. Police had attended the premises on the 7 July 2021 (Euro Semi-Finals) and had spoken with the PLH. Prior to the meeting the police did a visit and checked the event and concerns were found around the staff at the premises at the time. They raised concerns to the PLH about the door staff who didn't appear to be switched on, not aware of glassware, out of control and not able to deal with patrons inside the tented area at the rear of the premises. One concern raised was the door staff visibility as the Police could not identify them from patrons and requested that in future door staff wear high visibility jackets and SIA badges.
 - b. PC Ewart had been the officer in attendance regarding the concerns raised and Leon Christodoulou and Donna Wilcox were not aware of conversations had, only through e-mail trails of discussions with the venue to try and put things right. This was an ongoing process and the Police wish to work with the premises to ensure this doesn't impact on the local community.
 - c. In response to Charlotte Palmer (Senior Licensing Enforcement Officer), the Police explained the benefits of employing door staff through the approved contractor scheme (ACS). Which is a Government backed regulatory scheme to ensure standards are maintained in the security industry through an independent assessment. However, it was suggested that for this type of premises the ACS isn't required and perhaps the premises to use reputable door staff companies.
- 6. The statement of IP2 on behalf of the local residents making representation, including:
 - a. IP2 live directly opposite the premises.

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- b. The premises used to be regarded as an asset to the local community and would like to see it return to that rather than the atmosphere it currently has.
- c. Since lockdown ended, a different group of clientele visit the premises who are very loud and get very drunk. The removal of the external marquee had brought some improvements, but problems remain.
- d. The report is an accurate representation of the representations we have made until the consultation closed.
- e. The following points were made to support the recommendations that have Not been agreed:
The 2 main issues not resolved –
 - Hours
 - Music VolumeThere was a clear link between the ASB and the characteristics of the clientele. The extended hours attracted younger clientele, not from the area, who were only interested in getting drunk. Entering the pub at 10:00pm. The pub had admitted to Police and neighbours that their staff find the new clientele hard to control.
- f. Reducing the hours when alcohol is on sale is the only solution to changing the type of clientele attracted to the premises.
- g. IP2 supported the addition of the noise limiter proposal to tackle the noise disturbance coming from the premises.
- h. Pre-existing conditions on the licence were not being observed by the premises staff. E-mails of this were sent from IP2 to the Licensing Authority on 19 September 2021.
- i. The presence of 1 licence holder on Friday and Saturday evenings is welcomed which should help address issues. Ensuring that staff also adhere to all the licence conditions throughout the rest of the week.
- j. No additional complaints had been submitted by residents due to the review being imminent.
- k. A fair conclusion would be to install a noise limiter and reduce the hours as per the Licensing Authority proposal, supported by the Police.

7. IP” responded to questions as follows:

- a. In response to Councillor Alexandrou’s question about assurances given by PLH’s on dealing with dispersal issues. IP2 clarified that engagement with PLH’s had dropped unlike in initial years where there was more engagement with residents and issues were dealt with. Presently, the team of staff left to run the premises are unable to manage. Phone calls to premises are unanswered and text messages to the PLH’s are occasionally answered and responded the next day.
- b. In response to Leon Christodoulou’s question about safety concerns of clientele at dispersal time, IP2 clarified that much of the time clientele seemed quite drunk. Some standing outside

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the premises and some wandering across the road shouting at each other. Cars pulling up to pick up clientele and buses having to go around these cars with clientele running in front of buses. There are issues here.

8. The statement of George Domleo, Solicitor on behalf of the applicant, including:
 - a. The Winchmore is a local community pub and will be.
 - b. Since 3 June 2021, Mark was appointed DPS at the time and now Eimear Walsh is the DPS and it is their livelihood.
 - c. Prior to Mr and Miss Walsh's involvement, the premises had a chequered past and had issues when it was the 'Willow'. But since they had come in, no enforcement action had been taken.
 - d. Page 2 of the report details the variation application to extend the licence hours which was granted in July 2016 for the Friday and Saturday hours and a further variation application in part was granted in March 2021.
 - e. Pages 131 – 135 (of the report) were referred to showing photos of the premises style and concept with an extensive food and drinks offering (food menu – page 141 of the report). A kid's class is held 2-3 times a week including Yoga classes. Salsa and Irish dancing are held once a week and the Edmonton Rotary Club meet at the premises once a week.
 - f. A review had now been called due to complaints received between 16/04/21 and 12/08/21 this year. The premises were permitted to re-open outdoor only, from the 12/04/21 and at this time the premises had a permitted marquee erected in the car park providing an extension of their customer external area.
 - g. The dates of complaints are attributable to other factors. Nightclubs were not permitted to open until the 19/07/21. Only 4 complaints had been made against the premises after the 19/07/21 and is evident that the younger clientele that the premises were attracting at the time were the night club clientele and not the regular customers. Once nightclubs re-opened there was a reduction in complaints against the premises. The period of these complaints coincided with the Euro Championships which ran from 11/06/21 – 11/07/21 which was another factor leading to different clientele.
 - h. During a team's meeting with Charlotte Palmer to discuss the review on 03/09/21 it was acknowledged by Charlotte Palmer that complaints appeared to have ceased since the last review was submitted as detailed at page 50 of the report.
 - i. Additional staff training especially around dispersal issues has been carried out. There is also a more experienced manager in place.
 - j. There are only a few outstanding points between us and the Licensing Authority as detailed at pages 51 – 54 of the report or in Annex 8.

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- k. The current hours were granted by the LSC as part of the variation application in July 2016 and therefore the premises have been trading these hours since then.
 - l. The Licensing Authority, in this review, have not suggested that these hours for the sale of alcohol and closing times on a Friday & Saturday give any issues prior to this time period, prior to this review and the start of complaints.
 - m. The only modification to the existing conditions not agreed are the hours to the external area. The Licensing Authority are requesting 10:00pm and we are requesting for 11:00pm. Stopping serving drinks at 10:30pm and to all to leave by 11:00pm. Several new conditions have also been agreed. Conditions we have not agreed, we feel, are dis-proportionate to the concerns raised for this review and are not needed at this stage.
 - n. Things had now returned to normality after the past 18 months and the same for the Winchmore.
 - o. We ask the LSC to modify the premises licence in line with the points agreed between the Licensing Authority and the applicant and to accept our proposed conditions. Anything more would be dis-proportionate.
9. The applicants and representative responded to questions as follows:
- a. In response to the Chair's statement regarding a number of similar dispersal issues raised at the 10 March 2021 LSC hearing (Variation of Licence), the Legal representative clarified that if that was an issue then why wasn't a review called at that stage and enforcement action taken.
 - b. In response to Councillor Maria Alexandrou's questions about the precautions taken regarding noise and the risk assessments undertaken when anti-social behaviour was occurring, it was advised that the Environmental Health are the experts in the field of noise nuisance. To request a noise limiter, that would be for the Environmental Health Officer to request. The licence holders are aware of residents nearby and that they must control the music levels. The PLH's objection to the noise limiter was the calibration of the unit and who would be doing that. At this stage this was dis-proportionate given the current issues. The PLH's had already agreed to the reduction in music hours and that the dispersal policy was now a condition of the licence which should give comfort to residents. Noise checks would take place every hour by ear to ensure noise from the premises was not excessive and ensuring doors and windows remain shut. Records to be kept with date and times for 6 months. A live DJ would have to comply with all the licensing conditions. A live DJ was used in the licensable area, prior to lockdown, every Friday night mainly for older clientele.
 - c. In response to risk assessments and door staff and how that would be managed, it was advised that management would

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have a team meeting well ahead of a date and look at events coming up. To then risk assess these and whether door supervisors are needed and how many. Including whether to use plastic cups or if wrist bands are required. Police would be contacted if the premises had a risk assessed event to notify them. The premises were able to risk assess events as proven at New Year's eve events. It was not appropriate for the premises to employ door supervisors every Friday and Saturday night but to risk assess events for door staff would be appropriate. The premises did not experience any crime and disorder before.

- d. In response to IP2's comments that noise and disturbance was still occurring as recently as last week with that same clientele, not reported due to the hearing, it was advised that the change in clientele was due to lockdown and the Euro Championships. Clientele was now returning to its normal regular customer base. The premises are calm and quieter but there is always noise around dispersal time which is normal for a pub. PLH's on duty on Friday and Saturday nights would assist the dispersal as would the change in manager, re-trained staff and the agreed condition.
- e. Ellie Green (Principal Licensing Officer) provided further information regarding Environmental Health (EH) and the noise limiter. EH do not offer a service to calibrate licensed premises noise limiters. This was done by external noise experts. EH do assist by providing details of residents who have complained, access those residents and test noise levels there. Charlotte Palmer had considered the EH records to make this representation.

10. 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.

11. The summary statement from Charlotte Palmer (Senior Licensing Enforcement Officer) that representations objecting to reviews, do not carry out representations to those that have been affected. The PLH's have previously acknowledged that clientele has changed after lockdown and that they have been much more difficult to control, leading to increased noise disturbance.

The complaints did seem to cease but since the meeting there have been some further complaints and residents did stop reporting issues to the Licensing Authority.

At the last variation hearing, the PLH were given the opportunity to prove that they can keep customers outside longer and music longer without leading to noise complaints. Unfortunately, the extra hour has led to increased complaints. The Licensing Authority therefore feels only right that these decisions now be reversed, and additional conditions be added to the licence to further promote the licensing objectives.

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12. The summary statement of the Police Authority that they were just here to ensure there is no risk to the clientele around dispersal time, SIA door supervisors to be in place for high volume evenings on a Friday and Saturday. They are concerned about ASB, noise and the clientele which is why they support the reduction in hours by an hour and the specific SIA's to ensure that they are in place with a minimum of 2 for Friday and Saturday evenings after 8:00pm.

The Police Authority did not believe the ACS accreditation was necessary when hiring door supervisors which would cause more issues to the venue. The 2 SIA's stand and perhaps the venue feels it is necessary to have a better door team.

13. The summary statement on behalf of the applicant that the remedial action taken at the review should only be no more than appropriate and a proportionate response.

The modifications to the licence have been agreed, the addition of a new conditions and the reduction of regulated entertainment are appropriate and proportionate.

The no 'new entry', door staff every Friday and Saturday are disproportionate or appropriate under the guidance and not appropriate for the premises as it operates. The hours for Friday and Saturday were put on the licence in July 2016 and there has not been any enforcement action or review been taken to date. I do submit that we are here because of the Euro Championships, night clubs closing, the lockdown and the difficult clientele that were attracted to the premises at that time.

It is a local community premises and has now returned to its normal regular customer base.

We ask you to agree or accept the agreed proposed conditions upon which we have agreed. But anything further would be disproportionate at this stage.

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 (**Final Decision Notice attached to these minutes**):

"The Licensing Sub- Committee has listened to and considered the written and oral representations from the Premises Licence Holder's representative, the

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Licensing Authority, the Police, the Other Persons IP1 to IP5 and SUP01 to 12, for an application for the review of the premises licence for The Winchmore. The Licensing Sub-Committee determined that conditions 1 to 21 are agreed as per Annex 8 of the Supplementary report and in addition agrees the following Conditions:

- 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.

- 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.

- 27B is amended to:

27(a) - A minimum of 2 door supervisors shall be employed on the premises on Friday Saturdays from 20:00 until the premises have closed.

(b) The premises will risk assess any events held at the premises for Licensable activities and the impact of any major sporting events and all specifically advertised events.

(c) The door supervisors shall remain directly outside the premises for 30 minutes after all the premises has closed or until all customers have dispersed.

(d) 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.

(e) All door supervisors shall be easily identifiable by wearing high visibility jackets.

- Condition 31B is amended to: "The Premises Licence Holder will risk assess the premises to ensure that noise does not emanate from the premises so as to cause a noise nuisance to nearby properties and will ensure continual monitoring and record the monitoring and retain the record for at least 6 months".

The Conditions and reduction of hours, as set out in this Decision Notice seek to promote the Licensing Objectives and particularly, mitigate the risks of noise nuisance and public nuisance, as set out in the Licensing Authority's application for this review of the Premises Licence.

The LSC was particularly mindful that The Winchmore pub is located in close proximity to a large residential area and that a reduction of the hours would assist to mitigate the disturbance to local residents as set out in the representations from IP1 to IP5. The LSC took into account that disturbances at the premises occurred when people were leaving the premises, therefore the reduction in hours, would assist to reduce the risk of disturbance to residents in the locality. In addition, the police supported the application for the review on the licensing objectives of Prevention of Crime and Disorder and the Prevention of Public Nuisance and the LSC considered the police representations noting the police indices between 08.05.2020 and 08.09.2021 where there were reports of anti-

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social behaviour and noise nuisance arising from loud music, people from the premises and premises car park.

The LSC also took into account the representations and submissions from the Premises Licence holder's (PLH) (The Celtic Cross Limited) representative and the Company Directors of the Celtic Cross Limited, Mr Mark Walsh and Ms Eimear Walsh. In its decision, the LSC has noted and considered the Premises Licence holder's representations and sought to find a proportionate way forward to assist the premises based on all the information at the hearing. It was noted from the police representations and from the representations from the 'Other Persons' IP1 to IP5 that there was a lack of control of the premises by the Designated Premises Supervisor (DPS) and PLH and therefore, the LSC supported the continued security by way of SIA staff, during certain times, to put in steps that support the Licensing Objectives and mitigate any risks especially at larger events at the Premises, including some sporting events, as per the complaints during the Euro football events in the summer. The LSC acknowledged that the Directors and PLH were willing to conduct risk assessments and noted their representations on carrying out risk assessments which is reflected in the conditions, particularly, 31B, above.

3. The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

(a) to modify the conditions of the licence;

(b) to modify the times of the licensable activities of the licence.

(a) Conditions (in accordance with Annex 8):

(i) Conditions 1 to 21, 24 and 26 are agreed;

(b) Times/Activities

Activity	Current Hours	LSC Determined Hours
Open	09:00 – 23:30 Sun-Thurs 09:00 – 00:30 Fri - Sat	09:00 – 23:30 Sunday to Thursday (no change) 09:00 – 23:30 Friday to Saturday
Alcohol (on sales)	10:00 – 23:00 Sun – Thurs 10:00 – 00:00 Fri - Sat	10:00 – 23:00 daily

The following times/activities are already agreed (no changes required):

Activity	Agreed Amended Hours
Plays	09:00 – 23:00 Fri - Sat
Live Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Recorded Music	09:00 – 23:00 Sun – Thurs 09:00 – 23:00 Fri - Sat
Performance of Dance	09:00 – 23:00 everyday
LNR	Remove from license

4

ANNEX 8 - PROPOSED AMENDED CONDITIONS

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Received Annex 8 – Proposed amended conditions.

5

MINUTES OF PREVIOUS MEETINGS

AGREED the minutes of the meetings held on Wednesday 10 March 2021, Wednesday 19 May 2021 and Wednesday 4 August 2021 as a correct record.

LICENSING SUB-COMMITTEE - 20.10.2021

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 20 OCTOBER 2021**

COUNCILLORS

PRESENT Doug Taylor (Chair), Birsen Demirel and Jim Steven.

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: Leon Christodoulou – Police Authority

**1
WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

Councillor Taylor as Chair welcomed all attendees to the meeting. Sub-committee members confirmed their presence. Officers, applicants and representative, 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
HAYATY LOUNGE LIMITED, 303 GREEN LANES, SOUTHGATE, N13 4XS**

RECEIVED the application made by Mrs Abdelmegid Nessrin Anter El Sherbiny for a premises licence at the premises known as Hayaty Lounge Limited and situated at 303 Green Lanes, Southgate, N13 4XS.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a new premises licence relating to a premise named Hayaty Lounge Limited at 303 Green Lanes, N13 4XS.

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- b. The premises have not held a licence previously, but the husband of the current applicant did apply for a licence in 2011 but was subsequently withdrawn due to objections.
 - c. The applicant is Ms Abdelmegid El Sherbiny and is the wife of Mr Ayman El Sherbiny, who was present; their son Mr Mustafa El Sherbiny was also in attendance. Mrs El Sherbiny is also the Director of Hayaty Lounge Limited.
 - d. This new application is for a Shisha Café seeking various regulated entertainment and late night refreshment between 10:00am – 1:00am daily.
 - e. Mr El Sherbiny confirmed, before the meeting started, that they are only seeking regulated entertainment outside only till 11:00pm. But that they still want the full hours up to 1:00am. It would be a licensable activity because there is no alcohol being sought on this application.
 - f. However, the responsible authorities, namely the Police and Licensing Authority object to any hours sought after 11:00pm and the applicant has not agreed to the reduction in those hours. But they had agreed to conditions set out in Annex 4 detailed from page 89 of the report.
 - g. Present at the meeting was Mrs El Sherbiny (applicant), Mr El Sherbiny (Husband) and their son Mustafa El Sherbiny. There was no legal representation present. Sergeant Leon Christodoulou representing the Police and Charlotte Palmer representing the Licensing Authority were also present.
 - h. In response to an enquiry by the Chair, Ellie Green (Principal Licensing Officer) clarified that the LSC were only considering what the conditions are at Annex 4. The LSC, if they wish, could consider any additional conditions once they had heard representations and could add to these or not. Within Annex 4 the conditions are agreed and there are no conditions the Licensing Authority are proposing that the LSC are required to consider.
2. The statement of Mrs Abdelmegid El Sherbiny (applicant) made by Mr Ayman El Sherbiny on behalf of the applicant including:
- a. Mrs Abdelmegid El Sherbiny (applicant) confirmed that she has understood that Mr Ayman El Sherbiny (Husband) would be speaking on her behalf.
 - b. The applicant is looking to close the premises at 1:00am which is for the inside and basement of the premises. The outside area and the garden to close at 11:00pm.
 - c. They would ensure no noise would be heard outside and only speaking inside the premises so as not to annoy the neighbours. This was what the applicant was looking for.
3. The applicant and her representatives (husband and son) responded to questions as follows:
- a. In response to the Chair's question about the history of noise complaints from the premises in the past, with enforcement

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taken, and how would the applicant ensure this would not be replicated. Mr El Sherbiny clarified that the applicant was not in the UK at the time of these noise complaints. Mustafa El Sherbiny (Son of applicant) further clarified that the applicant would be aware of any outside noise and nothing like this would ever happen again. There would be no noise or music in the back garden again. No complaints would be made as the premises would be stopping all music by 11:00pm.

- b. Legal interjection - Balbinder Kaur Geddes (Legal Representative) stated that Mustafa El Sherbiny said that he would talk on behalf of the applicant. He could therefore answer the questions on her behalf as the applicant and to translate for her as Mustafa El Sherbiny was acting as her representative.
- c. Councillor Demirel asked for confirmation that there would be no live music/performances after 11:00pm even though the premises would be open till 1:00am. Mustafa El Sherbiny clarified that there would only be low level background music inside the premises after 11:00pm.
- d. Councillor Steven stated the premises had opened for business during the Covid period and were told not to have more than 6 people inside the premises but there was more than 6 present. Alcohol was also being sold in the premises at that time. The applicant's representative clarified that nothing like this had happened at all. Alcohol was not sold in the premises at all. The premises only sold soft drinks, tea and coffee.
- e. Charlotte Palmer (Senior Licensing Enforcement Officer) asked the following questions to the applicant:
 - Did the applicant work at the premises?
 - Who ran the premises daily and who dealt with customers?
 - Why was Mustafa El Sherbiny (son) not making the premises licence application and Mrs Mustafa was making the application in her name who doesn't work at the premises.

Mustafa El Sherbiny clarified that the applicant only provided shopping for the premises and did not serve customers. The premises were managed by Mustafa El Sherbiny and Mr Ayman El Sherbiny, who have done so for the past 3 years. The premises licence was being made by the applicant because this was an Arab/family thing as the older member of the family.

- f. Charlotte Palmer asked if the applicant realised that as the named PLH she would be legally responsible for ensuring all conditions are complied with and the proposed hours are not breached. Did the applicant understand the responsibility for being a PLH? Mustafa El Sherbiny clarified that the applicant knew this.

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- g. Charlotte Palmer asked the applicant how she would ensure that the conditions and times are complied with if she was not even working at the premises?

Legal Interjection: the applicant to reply to the question through her son, Mustafa El Sherbiny, after translation.

Mustafa El Sherbiny clarified that the applicant does go to the premises but not all the time. The applicant tells Mustafa El Sherbiny what to do at the premises. The applicant is his mother, she is not there every day, only coming to the premises in the morning and leaving in the evening.

- h. Charlotte Palmer asked if the applicant had read the conditions herself and if she understood what she must do to demonstrate compliance? In response Mustafa El Sherbiny said that the applicant knows what she must do at the premises.
- i. In response to Charlotte Palmer's enquiry about the agreed conditions and if the applicant can tell the LSC what she has agreed to do to ensure the licensing objectives are upheld. Mustafa El Sherbiny responded that the applicant has only agreed about the closing time of the outside area at 11:00pm but to close the inside premises at 1:00am. The Legal Representative clarified if the applicant understands the proposed conditions, the implications of those proposed conditions and is able to adhere to those conditions as detailed from page 89 of the agenda. Charlotte Palmer, as an example read out condition 8 (page 90) regarding noise levels and further added if the applicant could explain to the LSC what she would do in relation to ensuring that this condition is complied with and to demonstrate what she would be doing to ensure compliance? In response, Mustafa El Sherbiny said that the applicant will ensure that if the premises closes at 1:00am there would be no music at all and all customers would leave the premises and the shutters would come down straight away after closing. So, the outside area would close at 11:00pm, there would also be security and no live music after 1:00am. All customers would leave at 1:00am immediately and the premises would be closed.
- j. Charlotte Palmer was dissatisfied with the applicant's answer (as above) regarding condition 8. Stating that the applicant was referring to the proposed hours and her enquiry was about demonstrating compliance for the noise condition (8) which was about carrying out sound checks and record keeping. Charlotte Palmer then clarified what the model answer should have been regarding compliance of condition 8 (noise levels). In response to Mustafa El Sherbiny stated that he did not understand Charlotte Palmer's question about condition 8 and the applicant demonstrating compliance, Charlotte Palmer again clarified that condition 8 was agreed by the applicant and again stated what condition 8 was and the measures needed to demonstrate compliance. Mustafa El Sherbiny responded that the applicant

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will know everything about condition 8, the music checks and keeping records and she would be responsible for that. The applicant would be at the premises every day while it is open.

4. The statement of Leon Christodoulou on behalf of the Police Authority including:
 - a. The police Authority have real concerns with this application and had been unable to contact the applicant. They had only managed to have a conversation once and only now knew who is responsible for the premises and what the premises would be used for.
 - b. Concerns last year and this regarding Covid breaches and noise concerns. Concern also whether the premises are being used as a nightclub rather than a café.
 - c. The police do not feel re-assured that Mustafa El Sherbiny (son) would be taking over the management of the premises as he had been involved with the premises over the past 3 years, during these Covid breaches, and are not reassured that anything would change.
 - d. The applicant doesn't have an understanding how the business will be run still. If the premises are to be run as a café, why does it need to be run until 1:00am and why is the applicant considering having security. It is not clear how noise issues would be dealt with. The Police would have liked to have these conversations with the applicant.
 - e. There had been an out of hours incident in September 2021 at the venue whereby alcohol was consumed at the location despite not having an alcohol licence. This serious allegation was still being investigated.
5. The Police Authority responded to questions as follows:
 - a. In response to the Chair's enquiry about the timeframes to contact the applicant, it was advised that contact with the applicant was last made on the 15 October 2021. This was with Ayman El Sherbiny and that his son Mustafa El Sherbiny would be taking over the business as he had experience and had been involved with the premises over the past 3 years. Several attempts had been made to contact the premises through a mobile phone number but to no avail.
 - b. Mr Ayman El Sherbiny stated that when the business was started it was a café and then became a take-away restaurant for 2 years but was un-successful. The venue was then changed to a Shisha Bar but then the pandemic hit us, so we tried to turn the premises back to a professional restaurant.
In response to the objection and nuisance that was referred to, management would make sure that noise will be controlled by the applicant and Mustafa El Sherbiny. They would understand how to do this correctly. Mr El Sherbiny was trying to change his behaviour and to get things right in order to survive. In response, Leon Christodoulou advised that the Police were concerned that

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Mr El Sherbiny has had 3 years to show and provide that he could run the business. It was accepted that there had been changes and different ways the premises had to adapt, but there had still been various breaches. Including an admission that one member of staff did not have a work visa that was being employed by the premises. The Police Authority confirmed a lot of rule breaking had occurred and did not understand what would be changing if the licence was granted.

6. The statement on behalf of the Licensing Authority by Charlotte Palmer (Senior Licensing Enforcement Officer):
 - a. The Local Authority was pleased that all the recommended licensing conditions had been agreed but they still did not agree with the hours for late night refreshments or regulated entertainment. There was still some confusion as to what regulated entertainment is being offered by the applicant. Background level music is not licensable or require a license for recorded music.
 - b. This premises have an extensive history of breaching legislation and causing noise disturbance to local residents.
 - c. The owner of the premises and directors have changed over the years, but Mr El Sherbiny has always been involved in running the business. The Licensing Authority had never met the current director and applicant for the premises or received any communications from the applicant, until today which was a concern.
 - d. Mr El Sherbiny (current manager) was prosecuted and found guilty in 2011 of repeatedly breaching a noise abatement notice, repeatedly providing licensable activities without a licence and breaches of the Health & Safety Act 2006, allowing customers to smoke in an enclosed space. In 2018, Mr El Sherbiny was again prosecuted and found guilty of offences under the Health & Safety Act 2006, Licensing act 2003, Town & Country Planning Act 1990 and the Environmental Protection Act 1990. This history has led to a lack of confidence in the ability of those running the business abiding to legal requirements.
 - e. The Licensing Authority considered submitting an outright objection to this application but was appreciative of the last 18 months which has been a difficult time for businesses with changing Covid regulations.
 - f. Licensable activities were again seen to be taking place without a premises licence/temporary event notice being in place in September 2020.
 - g. In August 2021, a noise complaint was received regarding loud music coming from the premises every night for the last 2 weeks from 10:00pm to 1:30am.
 - h. If the applicant is able to demonstrate full compliance for the licensed times and conditions in this representation, over a 6 month period, the Licensing Authority would have more

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confidence in their ability to trade in a manner that would not cause a nuisance to local residents. Until then the Licensing Authority continues to object to the applied required hours, late night refreshments and regulated entertainment.

- i. As heard today, Mr El Sherbiny does not want to be involved with the running of the premises so it may be appropriate to add a further condition stating that Mr El Sherbiny shall not be involved in any way with the operation and management of the business or be permitted to work in the business in any capacity if that is his true intention.

The applicant could advise whether they would agree to this wording.

7. Charlotte Palmer (Senior Licensing Enforcement Officer) responded to questions as follows:

- a. In response to the Chair, nothing has been heard to date to change anything in Charlotte Palmers introductory statement. The Licensing Authority were even more concerned as the applicant did not seem to understand conditions they have agreed to.
- b. Charlotte Palmer clarified how she had arrived at the proposed hours of the intended licence.
- c. Mustafa El Sherbiny stated that there was no difference between closing at 11:30pm and 1:00am, only 1.5 hours. Their customers usually came at 10:00pm. They have regular customers who have been coming to the premises for the last 7-8 years. If the premises must close now at 11:30pm they will be losing money and customers and not be able to run the business as they want to. Charlotte Palmer responded why there were people at the premises at 1:00am and what activities were taking place at 1:00am? If no licensable activities are taking place how would that activity be different the premises did not have the licence. Mustafa El Sherbiny responded that these were regular family customers having business meetings at that time with soft drinks and Shisha but if they had to close at 11:30pm the business wouldn't work. It was advised that if no licensable activities are taking place then conditions and times cannot be breached. Non-licensable activities could continue past the licensable hours i.e. soft drinks and cold food. Any licensable activities would have to stop by 11:00pm i.e. hot drinks/hot food and music/entertainment, if the licence is agreed. There should be no change to the premises existing customers if the premises are only selling soft drinks and cold food. If the premises were to serve hot dinks/hot food or carry out entertainment outside those hours they would be in breach of their licence, if agreed.
- d. Mr El Sherbiny stated that Covid had a big impact on the premises. They are trying to obtain new customers between 11:00pm – 1:00am coming to the premises. They had served

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customers hot drinks/hot food as a substitution of their shisha business for which they had lost 60% of business.

Legal Interjection: The legal representative stated that this was something the premises were not entitled to do because they did not have a licence beyond 11:00pm. At no stage prior to this application are you legally entitled to do that and would caution what Mr El Sherbiny had said because the LSC would need to take that into consideration when it makes its decision if you're potentially acknowledging that this is how you have been operating which seems to be in breach of the law.

In relation to this application, Mr El Sherbiny's submission should be that he would operate within the law and that is what the LSC will consider.

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. Financial implications are not a consideration in the licensing regime.
9. The summary statement of Leon Christodoulou on behalf of the Police Authority, that there are concerns around security. Why would a local community café need security? The Police were still not reassured due to the history of breaches, the Covid breaches and the behaviour of individuals serious allegations. How could the Police be reassured that this is going to change?
10. The summary statement from Charlotte Palmer, Senior Licensing Enforcement Officer, that in order to prevent public nuisance the Licensing Authority continues to object to the 1:00am licence and recommends the terminal hour of 11:30pm for all licensing activities ceasing at 11:00pm. The sale of hot food/hot drinks is only considered to late night refreshments between the hours of 11:00am – 5:00pm. This recommends that there be no late-night refreshments on the licence.
11. The summary statement of Mr El Sherbiny on behalf of the applicant, in response to licensing officers' concerns regarding the applicant's capability of running a licensed business, it was advised that the applicant had raised 2 children on her own for 15 years whilst Mr El Serbiny was travelling through Europe. The applicant is very confident in herself and can do better running the business for the future. Speaking on behalf of the applicant, Mr El Sherbiny agreed with the proposed condition suggested by Charlotte Palmer, to state that Mr El Sherbiny would not be involved in the business in any capacity. Mr El Sherbiny would only be an adviser as the head of the family to advise, guide and provide feedback on how to run a small business.
He confirmed that his son, Mustafa, worked for him at the premises for the past 3 years but operationally not on the side of the Law. The applicant and Mustafa El Sherbiny would ensure everything ran smoothly at the premises. The applicant is only asking for the ability to provide late night refreshments to serve hot food and hot drinks. The applicant would take

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away live music and entertainment if they could serve hot food and drinks inside the premises within the licensable hours.

Referring to the mentioned security/CCTV at the premises, this had been recommended by Charlotte Palmer in an e-mail to the applicant to aid customer dispersal from the premises.

The applicant was trying to ensure that things ran smoothly at the premises. They had lost 60% of their income and this was the only way for them to keep normal living standards.

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 **(Final Decision Notice attached to these minutes):**

“The Licensing Sub-Committee (LSC) having listened to and considered written and oral submissions made by the Metropolitan Police, the Licensing Authority and by the Applicant and Mr Ayman El Sherbiny and Mr Mustafa El Sherbiny and in particular the evidence concerning previous activities at the premises concerning noise nuisance and breaches to the law as set out by the Licensing Authority and the Metropolitan Police which arose whilst Mr Ayman El Sherbiny and possibly Mr Mustafa El Sherbiny were in control of the premises. The Applicant has not been able to demonstrate to the LSC that she has an understanding of the obligations of holding a licence and the licensing objectives of the Prevention of Crime and Disorder, Public Safety, the Prevention of Public Nuisance and the Protection of Children from Harm or demonstrate that she would be able to adhere to the proposed licensing conditions outlined at Annex 4 (pages 89-91 of the Document Pack). Further, the LSC, notwithstanding Mr Ayman El Sherbiny’s assertions that he would not be involved in the running of the business and that it would be the Applicant who had control, does not from the oral submissions heard today and given the past history of the premises appear to be the case; notably, both the Licensing Authority and the Metropolitan Police have stated that any contact concerning the premises has been with Mr Ayman El Sherbiny and not the Applicant. It appears to the LSC that Mr Ayman El Sherbiny is likely the de facto person in charge of the business albeit he does not hold a legal office at Companies House concerning the business.

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Whilst the LSC is sympathetic to the financial position of the Hayaty Lounge Limited particularly given the past 18 months during the COVID pandemic, however, the LSC is not permitted to take into account any financial considerations in making its decision.

On balance the LSC has made the decision to Refuse the Application in its entirety.

The LSC has taken into account 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 in particular that of the Prevention of Crime and Disorder and Prevention of Public Nuisance.

It should be noted that the Hayaty Lounge Limited can continue to operate at the premises for any unlicensed activities and that there are no time limits for unlicensed activities. Further, an application can be made for licensable activities and it is recommended that the Applicant and her family consider who would be the appropriate licence holder for any such application and it may be appropriate for co-operation with the Metropolitan Police and Licensing Authority in any such application.

3. The Licensing Sub-Committee resolved to Refuse the application.

LICENSING SUB-COMMITTEE - 27.4.2022

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 27 APRIL 2022**

COUNCILLORS

PRESENT (Chair) Doug Taylor, Christine Hamilton (Deputy Mayor) and Derek Levy

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Amanda Butler (Senior Fair Trading Officer), Catriona McFarlane (Legal Services), Jane Creer and Suzanne Connolly (Democratic Services)

Also Attending: Mr Aydin Salman (Premises Licence Holder & Designated Premises Supervisor), Mrs Sultan Salman, Koray Salih (Interpreter)

1

WELCOME AND APOLOGIES FOR ABSENCE

NOTED

1. Councillor Taylor as Chair welcomed all attendees to the meeting, and explained the order of the meeting. Apologies were extended to all for the delayed start time which was due to transport issues.

2

DECLARATION OF INTERESTS

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

3

MINUTES OF PREVIOUS MEETINGS

Approval of the minutes of the meetings held on Wednesday 6 October 2021 and Wednesday 20 October 2021 to be adjourned until the next Licensing Sub-Committee meeting.

4

ENFIELD FOOD & WINE, 37-43 KEMPE ROAD, ENFIELD EN1 4QT

RECEIVED the application made by Licensing Authority for a review of the Premises Licence (LN/200800580) held by Mr Aydin Salman at the premises

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known as and situated at Enfield Food & Wine, 37-43 Kempe Road, Enfield, EN1 4QT.

NOTED

1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. Having met with the License Holder previously, where they conversed in English, Ellie checked if everything said during this hearing required translating. The License Holder responded via the Interpreter “yes please”.
 - b. The application was to consider a review application relating to the premises known as Enfield Food & Wine, 37 – 43 Kempe Road, Enfield, EN1 4QT.
 - c. This premises licence had a history of note; as set out on page 23 of the agenda pack, Mr Baris Salman was the premises licence holder (PLH) from 9 October 2008 until 29 December 2008, when it was transferred to the current PLH, Mr Aydin Salman.
 - d. However, Mr Baris Salman was also the Designated Premises Supervisor (DPS), from 9 October 2008 and was still the DPS even when Mr Aydin Salman became premises licence holder and remained as DPS until 10 October 2011. Then Mr Aydin Salman became the DPS.
 - e. Since the report was published, it had become apparent that Mr Baris Salman had been the joint premises licence holder with Mr Korkmaz, and was also DPS of another premises, namely Ordnance Supermarket, 115 Ordnance Road, Enfield.
 - f. In October 2011, a minor variation of the Ordnance Supermarket licence was granted adding on conditions at the request of the Council following the seizure of illicit alcohol found at Ordnance Supermarket.
 - g. Three years later, more counterfeit alcohol was seized from Ordnance Supermarket, and the Licensing Authority submitted a review application. At the hearing on 21 January 2015, the licence was revoked, but the decision was subsequently appealed. It did not go to court as a consent order was agreed, suspending the licence for 3 months instead.
 - h. In January 2016, the premises licence was transferred to Mr Mehmet KOLO, who also varied the licence to be the named DPS from 13 January 2016. It is still worth noting the activity at this premises since that transfer and vary DPS application.
 - i. In December 2016, a minor variation was granted to add on conditions, namely, to prevent the supply of illicit goods, at the request of the Licensing Authority.
 - j. In January 2017 an application was made by the Licensing Authority for the review of Ordnance Supermarket as the premises have been found again to be supplying illicit goods. At the hearing on 8 March 2017, the licensing sub-committee determined that the

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licence be revoked. This decision was also appealed but subsequently withdrawn as the licence was transferred to Mr Serdar Tas, who remains the PLH at Ordnance Supermarket. Mr Tas submitted a minor variation at the request of the Licensing Authority to add the following condition to the licence:

‘Neither Baris Salman nor Ibrahim Korkmaz shall be involved in any way in the operation and/or management of the business. They shall not be permitted to work in the business in any capacity, paid or unpaid.’

- k. It has been confirmed on behalf of Mr Aydin Salman that Mr Baris Salman and he are brothers. Therefore this history of illicit goods at another premises and the licence holders are linked, is relevant to this hearing.
 - l. This review application for Enfield Food and Wine has been submitted by the Council’s Trading Standards Team and seeks to revoke the premises licence in full held by Mr Aydin Salman. The review supports the prevention of crime and disorder licensing objective.
 - m. The review is made on the grounds that the premises has history of selling illicit tobacco from the premises. Furthermore, breaches of licence conditions are alleged during inspections, in particular those conditions applied to prevent the sale of illicit tobacco.
 - n. The full review, additional information and supporting evidence is set out from page 27 of the agenda pack.
 - o. The current licence conditions are set out in the premises licence, found on page 174 of the agenda pack.
The premises licence permits the sale of alcohol off sales between 9am and 11pm daily, and to be open from 8am to 11pm daily.
 - p. Mr Aydin Salman is the current PLH and DPS.
 - q. Mr Aydin Salman has not provided any written response to the review application.
 - r. If the Licensing Sub-Committee is minded not to revoke the licence, Trading Standards have not requested any additional conditions (this was corrected later in the meeting during Amanda Butler’s statement).
2. In response to Cllr Levy’s query about the link with Ordnance Supermarket, the Legal Representative advised it was for Councillors to make a judgement on this and assess the weighting, but the information was relevant.
 3. Ellie Green introduced all that were in attendance and highlighted that due to the seriousness of the application Mr Salman had been advised to have legal representation however he had chosen not to. Mr Salman stated he was unable to afford this.
 4. The statement of Amanda Butler, Senior Fair Trading Officer, representing Trading Standards:

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- a. This review was in regard to illegal tobacco found at Enfield Food & Wine, 37 – 43 Kempe Road, Enfield, EN1 4QT, in accordance with the licensing objective of prevention of crime and disorder, as well as to disrupt the illegal trade of tobacco within the borough.
- b. Amanda referred to the history of the licence set out on page 30 onwards as follows:

Premises history:

- 9th October 2008.-The Premises Licence LN/200800580 was issued to Enfield Food & Wine-41-43 Kempe Rd, Enfield EN1 4QT on 09/10/2008. The aforementioned premises licence holder was Ibrahim KORKMAZ of 41A Ordnance Road Enfield EN3 6UT and Designated Premises Supervisor Baris SALMAN of 41A Ordnance Road Enfield EN3 6UT.
- 15th January 2009-The Premises Licence LN/200800580 was transferred to Aydin SALMAN of 41A Ordnance Road, Enfield EN3 6UT on 15/01/2009 pertaining to Enfield Food & Wine-41-43 Kempe Rd, Enfield EN1 4QT.
- 4th October 2011- Enfield Council's Licensing Team received a minor variation application from Aydin SALMAN regarding the amendment of licensing condition of premises Licence LN/200800580. The amended premises licence no:LN/200800580 was issued to Aydin SALMAN on 19/10/2011.
- 5th October 2011- Enfield Council's Licensing Team received a request to transfer Designated Premises Supervisor (DPS) to Aydin SALMAN regarding premises Licence LN/200800580. The afore-mentioned amended premises licence was issued to Aydin SALMAN on 10/10/2011.
- 24th November 2016- As a result of a seizure of non-duty paid tobacco and alcohol from 41-43 Kempe Rd EN1 4QT and the storage utilised from the adjacent unlicensed retail premises situated at 45 Kempe Rd EN1 4QT on 23/09/2016 (paragraph 3.2), Enfield Council's Licensing Team received a minor variation application from Aydin SALMAN that amended the licensing conditions of premises licence LN/200800580. The amended licensing conditions pertaining to premises licence LN/200800580 was issued to Aydin SALMAN on 13/12/2016.
- 25th February 2022- As a result of an inspection from Enfield Council's Licensing Enforcement Team on 23/02/2022, an updated premises licence LN/200800580 pertaining to Aydin SALMAN's change of address to 82 Holmesdale, Waltham Cross, EN8 8RA was issued to Aydin SALMAN on 25/02/2022. Appendix 1.
- 28th February 2022-Enfield Council's Licensing Team received a Minor Variation application pertaining to Premises License LN/200800580 and the requisite documentation pertaining to alcohol stockroom layout and fire exit of the said retail premises Appendix 2.

Recent Inspection History:

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- 21/09/2016- Enfield Council's Licensing Team conducted a test purchase of nonduty paid Marlboro cigarettes from 41-43 Kempe Rd EN1 4QT.
- 23/09/2016- Enfield Council's Licensing Team seized 134 bottles of non-duty paid alcohol, 16 packets of non-duty paid cigarettes and 500g of Hand-rolling tobacco from 41-43 Kempe Rd EN1 4QT and from the storage at the adjacent retail premises situated at 45 Kempe Rd EN1 4QT.
- 14/10/2016- Enfield Council's Licensing Team issued an advisory/warning letter pertaining to the non-duty paid alcohol and tobacco that was seized on 23/09/2016 to Aydin Salman. Appendix 2a
- 02/12/2016: Enfield Council Trading Standards Team conducted test-purchase of cigarettes from Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT.
Result: Compliant. There was no sale of non-compliant cigarettes on 2/12/2016
- 06/12/2016: Enfield Council Trading Standards Team conducted an inspection to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT with the aim of ascertaining whether the retail premises were selling illegal tobacco.
Result: Compliant. There was no illegal tobacco found on 06/12/2016.
- 28/06/2017: Enfield Council's Trading Standards issued advisory/warning letter on 28th June 2017 to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT regarding an enquiry received pertaining to the alleged sale of single cigarettes to under aged persons. Appendix AB3
- 16/04/2019- Enfield Council's Trading Standards issued an advisory /warning letter on 16th April 2019 to Enfield Food & Wine 41-43 Kempe Road, Enfield EN1 4QT pertaining to an enquiry received regarding the sale of alcohol to under aged persons. Appendix AB4
- 26/11/2020- Enfield Council's Trading Standards issued an advisory/warning letter on 26/11/2020 to Enfield Food & Wine, 41-43 Kempe Road, Enfield EN1 4QT pertaining to an enquiry received regarding the alleged sale of illegal tobacco. Appendix AB5
- 22/11/2021- A test-purchaser from Red Snapper Group conducted a test purchase of cigarettes from Enfield Food & Wine- 37-39 Kempe Rd Enfield EN1 4QT (now known as 41-43 Kempe Rd, Enfield EN1 4QT and purchased two packets of Marlboro Gold cigarettes for £17.00. The afore-mentioned cigarettes are alleged to breach the Standardised Packaging of Tobacco Regulations 2015 and The Tobacco Related Products Regulations 2016 and Section 136 & 144 of the Licensing Act 2003. Appendix AB6

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- 17/2/2022 - Enfield Council's Trading Standard Team, a dog handler and specialist sniffer dogs from Wagtail UK Ltd conducted unannounced inspections to retailers in the borough of Enfield aiming to crackdown the sale/possession of illegal tobacco as part of Op Cece.

At approximately, 12:44HRS, the afore-mentioned conducted an inspection to Enfield Food & Wine now known as 37-43 Kempe Rd Enfield. Officers showed credentials and explained the nature of the inspection to a female of Mediterranean appearance whom identified herself as Mrs Sultan SALMAN Owner of Enfield Food & Wine. Mrs SALMAN first language was not English and therefore, her son whom was seated behind the shop counter (Diyar SALMAN) translated during the inspection. Midway through the inspection, a male of Mediterranean appearance whom identified himself as Aydin SALMAN arrived at Enfield Food & Wine, 37-43 Kempe Rd Enfield EN1 4QT. Officers showed their credentials and explained the nature of the inspection to Aydin SALMAN whom stated he was the Designated Premises Supervisor.

Approx.150 cigarettes, 44 Hand Rolling Tobacco were seized because they were suspected of being counterfeit. 72 cigarettes & 1 Hand-rolling tobacco were seized because they were found to breach The Standardised Packaging of Tobacco Regulations 2015, The Tobacco Related Products Regulations 2016, Section 136 and Section 144 of the Licensing Act 2003

Appendix- AB7 Notice of Seizure and Notice of Powers

Appendix AB8- Photos of the Non-compliant seized tobacco

For the purposes of this hearing, the focus should be on the 72 packets of non-duty paid cigarettes and 44 pouches of hand rolling tobacco, which were seized to gain authenticity.

- Mrs Sultan SALMAN and Aydin SALMAN attended a formal PACE interview under the provision of the Police and Criminal Evidence Act in regards to the following alleged offences: -
Section 136 of the Licensing Act 2003 alleged breach of the following premises licence conditions: -

Condition 16. Alcohol and tobacco stock shall only be purchased from Registered wholesalers.

It is alleged that the 72 cigarettes and 1 Hand-rolling tobacco breached the Standardised Packaging of Tobacco Regulations 2015 and The Tobacco Related Products Regulations 2016 because the packaging was not in the requisite Pantone colour i.e. Pantone 448c, not in English and/or Non-duty paid. Thus, the alleged breaches indicate that the non-compliant tobacco was not purchased from a registered wholesaler.

Condition 17. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked

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'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

During the inspection on 17/2/2022, Officers found the non-compliant tobacco behind the shop counter of Enfield Food & Wine. There was no container that stated 'Tobacco Stock'.

Condition 18. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

During the inspection on 17/2/2022, Officers found the non-compliant tobacco behind the shop counter of Enfield Food & Wine. The alleged non-compliant tobacco was not found in the Tobacco gantry.

Section 144 Licensing Act 2003.

It is alleged that Enfield Food & Wine was in possession of imported tobacco without payment of duty or which have otherwise been unlawfully imported.

During the interview Mrs Salman accepted she purchased from an itinerant trader which she explained was for personal use only and was stored behind the shop counter.

- Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015

On 17th February 2022, Officers seized tobacco products alleged to breach Regulation 7(1) of the Standardised Packaging of Tobacco Products Regulations 2015, in that the exterior of the packaging did not have the permitted colour, that being Pantone 448c applied to it and /or did not have the requisite number of cigarettes within the packaging i.e. 10 cigarettes instead of the requisite 20 cigarettes

- Contrary to Regulation 15(1) of the Standardised Packaging of Tobacco Products Regulations 2015

On 17th February 2022, Officers seized tobacco products alleged to breach Regulation 7 and 11 of the Tobacco & Related Products Regulations 2016 because the labelling was not in English i.e. did not comply with the General warnings and information messages on tobacco products for smoking and/or General conditions applicable to all health warnings on tobacco products. Contrary to Regulation 48 of the Tobacco & Related Products Regulations 2016.

- 23/2/2022- Enfield Council's Licensing Enforcement Team conducted an inspection to Enfield Food & Wine to ascertain the change of address from 41-43 Kempe Rd Enfield to 37-43 Kempe Rd, Enfield and change of Aydin SALMAN's home address to

. Appendix AB9 Diyar SALMAN (son of Aydin SALMAN) was advised to submit a minor variation application to Enfield Council's Licensing Team. Appendix AB10

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- 28/2/2022-Enfield Council received a minor variation application from Aydin SALMAN of Enfield Food & Wine, 37-43 Kempe Rd, Enfield. Appendix AB11
- The estimated excise duty and VAT evaded on the 1040 sticks of non-compliant cigarettes is £434 and 1 50g pouch of hand rolling tobacco seized is £181.40. **Correction to report: it was confirmed it was 1440 sticks of non-compliant cigarettes which equated to £601, and the hand rolling tobacco equated to £18 not £181.40.**
- c. At this point the Chair checked that the licensee understood the situation and the interpreter, to which he responded “yes”.
- d. In conclusion:
Enfield Council’s Trading Standards Authority is of the opinion that as a result of the seizure of 134 bottles of non-duty paid alcohol, 16 packets of non-duty paid cigarettes and 500g of Hand-rolling tobacco on 23/09/2016, in addition to a subsequent seizure of non-duty paid tobacco on 17/02/2022 namely 72 packets of non-duty paid cigarettes and 1 packet of non-duty paid hand-rolling tobacco, it is therefore appropriate to recommend that this licence be revoked, even in the first instance.
If the LSC was minded not to revoke the licence it is requested that amendments be made to the licencing conditions as such that non-duty paid tobacco and alcohol must not be stored or sold from the premises or from any motor-vehicle.

In response, the following comments and questions were received:

1. Cllr Taylor referred to the interview under caution and questioned if Mrs Salman bought the cigarettes and tobacco at the same time. Amanda stated that during the PACE interview Mrs Salman confirmed they were purchased from the trader.
2. Cllr Hamilton queried why the licence review was not made sooner. Amanda advised that Enfield Council had decided that a minor variation was sufficient at that time. Following the inspections and subsequent seizures of goods on 17th February 2022, Trading Standards deemed it appropriate to submit an application to revoke the licence.
3. Cllr Levy made reference to the PACE interview to seek clarification that the owner of the business purchased tobacco from an itinerant trader. Amanda confirmed this was correct and that there were no receipts for all items under contention. Mrs Salman produced invoices/receipts for some of the tobacco, 150 cigarettes and 44 hand-rolling tobacco but not for the non-duty paid cigarettes and tobacco.
Some of the 150 cigarettes and 44 hand-rolling tobacco had been returned to Enfield Food & Wine and since compiling this application it had been decided that the remainder will also be returned now they had been confirmed as genuine.

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4. Ellie asked if Mrs Salman is the owner of the shop and it was confirmed that it is a limited company and Mrs Salman is a Director as well as the owner. The licence is in Mr Aydin Salman's name.
Ellie also asked if the purchases she made were for personal use, to which Mrs Salman confirmed they were.

The statement from the Licence holders:

5. Mrs Salman stated that if she did any wrongdoing she apologises and regrets it.
6. Mr Salman felt that Ellie had approached him as if he was already guilty and judged him the same category as his brother's offence. He stated the Ordnance offence should be treated separately. He had not been part of those activities. During the meeting with Amanda he had said more attention would be made to running the business properly and more effort put in to not repeat the same mistakes.
7. Mrs Salman echoed these remarks stating she was now more cautious and responsible. She was making more effort to be in the shop alongside her son.

Mr & Mrs Salman responded to questions as follows:

8. Cllr Taylor sought some clarification around the purchase made by Mrs Salman. Mrs Salman confirmed the purchase was made on the day of the inspection, it was a family not an individual and she felt sorry for them. She cannot remember exactly how much she paid but was around £250 and she used cash from her purse to pay. She felt sorry for the family and purchased out of sympathy.
9. Cllr Levy acknowledged that Mr and Mrs Salman were trying to get things right however Mr Salman had been the DPS for more than ten years so how long do they need to get things right. Mr Salman responded saying that after the 2016 incident where goods were seized he tried to make improvements from then onwards. When asked why was there another issue in 2022, Mr Salman responded saying he was not present when the situation happened due to being at the cash & carry. Mr Salman advised he is in the shop about 5-6 hours per day.
Mr Salman was reminded that as the DPS he was responsible for the licence, even when at the cash & carry.
10. Cllr Levy asked Mr Salman if he disputes anything in the licence review application. Mr Salman responded saying no, stating that all products other than what Mrs Salman purchased have invoices.
11. Cllr Levy asked Mrs Salman what her role is in the shop. Mrs Salman stated she opens up, lays out newspapers, when her son comes in she does cleaning inside and outside and stocks shelves. She doesn't want to leave her son alone.
Cllr Levy continued by asking why she didn't use the stock in the shop instead of paying someone she doesn't know a lot of money. Mrs Salman said Cllr Levy has a point. First they came with rings and gold to sell, saying they were going back to their country to attend a funeral and needed to buy tickets.

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12. Cllr Hamilton said the conditions set from the inspections were not met, to which Mrs Salman responded saying it was due to lack of knowledge and she has learnt more now.
13. Cllr Taylor said it was strange for a business that sells cigarettes to buy cigarettes for £250 given that the excise and VAT should be over £600 so would be a loss to the seller. Mrs Salman said it was the way they came to us, they seemed stranded.
14. Ellie asked Mrs Salman which brand of cigarettes she smokes and if she has any on her today. Mrs Salman said it varies and she did not have any as last time she came to the Civic Centre it was non-smoking so left them in the car.

The summary statement of Ellie Green, Principal Licensing Officer:

15. Having heard these representations from both parties, it is now for the LSC to consider whether the review application is appropriate and in support of the licensing objectives.
16. The licensing sub-committee must decide whether to:
 - to modify the conditions of the licence;
 - to exclude a licensable activity from the scope of the licence;
 - to remove the designated premises supervisor
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence [Act s.52]
 - or, to make no changes.
17. Page 25 onwards of the report states the relevant policy and guidance sections relating to the review, but to re-iterate the Guidance states that there is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol. Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The summary statement of Amanda Butler, Senior Fair Trading Officer:

18. On two occasions illegal tobacco was found and seized from Enfield Food & Wine. As PLH and DPS, Mr Salman is responsible for ensuring the licensing conditions are adhered to. A warning letter was sent in 2020 outlining the seriousness of illegal tobacco on the premises. Mr Salman stated he did not receive this letter. It was noted a copy was included in the pack.
19. Enfield Council consider the illegal tobacco trade as a strategy to feed into the public health agenda and tobacco control strategy, to prevent deaths as a result from smoking illnesses. Illegal tobacco and cigarettes are known to be smuggled into the UK to be sold for high profit margins with blatant disregard to compliance with product safety legislation. It is Enfield Council's Trading Standards stance to request revocation of the premises licence even in the first instance; if the LSC was not minded to revoke the

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licence to refer to page 34 paragraph 5.1-5.2, which requests that the licence be suspended until the following actions have been completed:

- Full compliance with the licence conditions has been demonstrated.

Trading Standards make the following recommendations regarding amendments to the licence conditions:

- Non-duty paid tobacco or alcohol must not be stored or sold from the premises or from any motor-vehicle.

20. This licensing review application is in accordance with the licensing objective to prevent crime and disorder.
21. The PLH in summary said they leave the panel to their verdict and they are sorry.

The panel retired to consider the application.

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:

“Having heard all of the evidence provided by Trading Standards, the Licensing Sub-Committee (LSC) are persuaded that the promotion of the licensing objective – prevention of crime and disorder – requires them to revoke this licence.

The licence holder has been in place for 13 years and has been the Designated Premises Supervisor (DPS) for 11 years. He should now fully know how to operate his licence within the law and promoting the licensing objectives.

The owner and licence holder have not challenged any of the evidence, except that they state that the warning letter sent 26/11/2020 was not received.

The LSC appreciate that the owner and licence holder have apologised for the most recent purchase of non-duty paid goods in 2022 and the sale of non-duty paid products in 2021.

The LSC have not considered any of the evidence relating to Baris Salman (brother of Aydin Salman) in deciding this review application.”

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3. The Licensing Sub-Committee resolved to revoke the licence.