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LICENSING SUB-COMMITTEE

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Wednesday, 3 May 2023 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors : George Savva MBE, Mahym Bedekova and Michael Rye OBE

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. MINUTES OF PREVIOUS MEETING (Pages 1 - 24)

To receive and agree the minutes of the meetings held on Wednesday 29th March 2023 and Wednesday 5th April 2023.

4. TROYS LOUNGE - 74 ALDERMANS HILL, LONDON N13 4PP (Pages 25 - 72)

Variation of Premises Licence

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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LICENSING SUB-COMMITTEE - 29.3.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 29 MARCH 2023****COUNCILLORS**

PRESENT (Chair) George Savva MBE (Cabinet Member for Social Housing), Paul Pratt and Doug Taylor

ABSENT Sabri Ozaydin

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Senior Licensing Enforcement Officer) Dina Boodhun (Legal Adviser) and Metin Halil (Democratic Services)

Also Attending:**1****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Savva as Chair welcomed all attendees to the meeting and explained the order of the meeting.

Councillor Savva also apologised for the delay to the start of the meeting which convened at 10:30am.

2**DECLARATION OF INTERESTS**

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

3**MINUTES OF PREVIOUS MEETING**

AGREED the minutes of the meetings held on Wednesday 22 February 2023 as a correct record.

4**SKEWD KITCHEN, 113-115 COCKFOSTERS, ROAD, BARNET, EN4 0DA**

Received the application made by Enfield Council's Licensing Authority for a review of the Premises Licence (LN/202100333) held by Mr Mazlum Demir at the premises known as and situated at Skewd Kitchen, 113-115 Cockfosters Road, Barnet, EN4 0DA.

NOTED

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1. The introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The application was for a review of the premises licence for premises known as Skewd Kitchen, 113-115 Cockfosters Road, Barnet, EN4 0DA.
 - b. Mr Mazlum Demir is both the Premises Licence Holder (PLH) and the Designated Premises Supervisor (DPS). The licence application was granted/issued by officers on the 8 November 2021 and has only been used as a licence since October 2022 as that is when the premises is thought to have opened.
 - c. The review hearing was submitted by the Licensing Enforcement Team on behalf of the Licensing Authority, and they seek to amend conditions of the premises licence in order to support the prevention of public nuisance licensing objective.

This is in response to a number of complaints that the PLH has been unable to control from the noise and music, namely a DJ and statutory noise nuisances have been witnessed.
 - d. Local residents have reported that they have been greatly affected by the loud music throughout the week since the premises opened.
 - e. There are various conditions which are sought by the Licensing Authority and since been offered by the PLH. But it appears that no final position has been agreed. So, the conditions that are up for discussion at this hearing are presented in Appendix F (from page 165) and it is those new conditions that are not agreed between the parties that require the LSC to make a decision on. These are detailed from Annex 3 & Appendix F (from page 165) of the bundle.
 - f. There are no changes being sought to the licensable hours or activities on the current licence. So, the full review application can be seen at Appendix A (Pages 19), Appendix E (Page 159) & Appendix I (Page 193) of the report.
 - g. The review attracted representations supporting the review application from the Council's Commercial Noise Team and from 5 local residents who all live in Braemore Court, which are the residential flats above the commercial parade and above the commercial premises. Those representations are detailed at Appendices C, G & H from pages 95 -171 of the report including the Supplementary report.
 - h. The PLH did respond to the review and has submitted a written representation including a noise acoustic report detailed at Appendix D from page 113 of the report.
 - i. The existing premises licence does not specify any music as a licensable activity, however due to regulatory changes and later amendments to the Licensing Act 2003, live & recorded music can be provided to an audience of no more than 500 at any one time at any premises licensed for on sales of alcohol between the hours of 08:00am and 11:00pm without being required to be a licensable activity on the licence. Since the deregulation, those conditions relating to music control are suspended between the hours of

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08:00am and 11:00pm and only become effective if the licence permits the live or recorded music after 11:00pm.

- j. Section 177A of the Licensing Act, there is a provision to dis-apply this entitlement to provide live and recorded music by adding a condition to that effect through a review process.
 - k. The purpose of this review is to modify the conditions of the licence by adding a condition which removes the right to play any music other than background level.
2. The statement of Charlotte Palmer, Senior Licensing Enforcement Officer, on behalf of the Licensing Authority:
- a. The Licensing Authority had submitted this review on the grounds of the prevention of public nuisance licensing objective.
 - b. Music has been provided at such a level as to be deemed a statutory nuisance with an abatement notice served. This notice has subsequently been breached despite the premises being aware that noise complaints were being received.
 - c. There are residential properties directly above this parade of shops and speakers are attached to the restaurant ceiling.
 - d. When the application for a premises licence was submitted the applicant did not apply for any regulated entertainment therefore no noise control conditions were offered or requested.
 - e. It is believed that this business started trading from this address approximately 20th October 2022 and between that date and 10 December 2022, 18 noise complaints were received coming from 8 different residential addresses. Officers advised the premises of the complaints in writing on at least 5 occasions and in person at least 5 times.
 - f. Unauthorised regulated entertainment has been witnessed by officers on 2 occasions and loud music has been witnessed by officers on three occasions. This included 4th November 2022, the very same day that very clear advice had been given over the phone and in a follow up e-mail by officers. The e-mail is detailed at Annex 3 (page 51-53) of the report.
 - g. A noise abatement notice was served on 10th November 2022 following a visit by a noise officer on 5th November 2022. The notice was breached on 26th November 2022 resulting in a Fixed Penalty Notice (FPN) being served on 2nd December 2022.
 - h. Officer notes state that on Saturday 12 November 2022, a person called 'Mazlum' advised that he would instruct a sound engineer. However, it appears this was not done until 11th January 2023. Two months later and after this review application had been submitted.
 - i. Since this licence review application was submitted, a further 5 noise complaints have been received. When officers visited, music was audible but was not deemed to be a statutory nuisance. Music does not have to be deemed so loud that it is a statutory nuisance under the Environmental Protection Act 1990 to undermine the prevention of public nuisance licensing objective.

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- j. As detailed in Annex 9 (page 96 of the report), Trip Advisor Reviews show even customers believe that the music is too loud.
 - k. The Licensing Authority are of the view that the premises is not suitable for music other than only background level.
 - l. This premises has received a significantly high volume of complaints, compared to other like for like premises. It has only been open for a few months and significant issues have already been evidenced.
 - m. In conclusion, the Licensing Authority recommends that the following condition be added to the licence (meaning the premises would only be permitted to provide background level music):
 - Section 177A does not apply to this premises licence and this condition does not permit any regulated entertainment, including live music, recorded music and DJ music.
 - n. If the Licensing Committee is not minded to disapply Section 177A of the Licensing Act 2003 then the Licensing Authority would recommend that the Committee, consider attaching the alternative conditions set out on page 168 of the report.
3. The statement of Ned Johnson, Principal Officer, on behalf of Joynul Islam, Commercial Nuisance Officer:
- a. Since the premises had opened in October 2022, the noise team started to receive noise complaints from residents above the commercial premises about loud amplified music intruding into their homes.
 - b. Officers from the Council's out of hours noise team visited residents on several occasions and witnessed a statutory noise, in terms of nuisance, under the Environmental Protection Act 1990. At all times, throughout the complaints received, officers had visited the premises and spoke to the owner about loud music.
 - c. As there had been a noise nuisance received, the team served a Noise Abatement Notice on the 11 November 2022, requiring the abatement of the noise nuisance forthwith. This was a very straightforward procedure if the volume is turned down. Hence the noise team never gave any time period for compliance because the control is to turn the volume down.
 - d. Complaints continued to be received and the noise team witnessed a breach of the Abatement Notice at the end of November 2022 for which a fixed penalty notice was served to deal with the breach.
 - e. Following the on-going complaints, the owner commissioned an acoustic report by Clement Acoustics, who came in and did some airborne sound installation testing.
 - f. From the testing, the consultant then worked out the suitable sound setting for a noise limiter for the DJ booth of the premises. The spectrum that was provided, it was clear that if the premises are meeting NR14 which is low, there shouldn't be any further noise issues from the music being played in the restaurant.

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When Ned Johnson looked at the recommendations for NR14 (which is low) he did think that if the team were still receiving complaints, then something was wrong, or the report was wrong. However, looking at the report, the consultant had followed exactly the procedure for airborne sound insulation testing and looked sound to him.

- g. Ned Johnson and Joynul Islam also had a meeting with the owner of the restaurant and had discussed the right insulation to install. In terms of the speakers, they needed to be isolated from the structure as they were bolted directly onto the ceiling. Therefore, anti-vibration mats were required and discussed the noise limiter. It was made clear that the noise limiter had to be installed and always working to prevent any further issues to residents. The owner was happy with the discussions and agreed to because as he had commissioned the report and to follow the recommendations.
 - h. Since January 2023, the noise team had received some further noise complaints, but none were seen to be a statutory nuisance. The last complaint was received on the 17 February 2023 for noise.
4. In response, the following comments and questions were received:
- a. Councillor Taylor asked if the premises followed the recommendations from the acoustician i.e. noise limiter, noise insulation, would the residents above the premises hear any noise. Ned Johnson advised that there will always be some flanking paths for sound and there would never be complete silence. If the noise limiter is set to the requirement recommended in the report, there wouldn't be any noise nuisance and any music heard would be at a very low level and shouldn't be above ambient noise but around ambient levels. No louder than normal living activity i.e. TV.
 - b. In response to Councillor Pratt, insulation to the hung speakers was a recommendation within the acoustics report. Councillor Pratt also referred to the recommendation regarding the installation of an independent ceiling in the restaurant. He was advised that this recommendation was if the owner wished to play music louder than the recommendation of NR14. This was what the acoustician recommended but was happy with the installation of the noise limiter.
 - c. Mr Ranatunga, legal representative to the owner, referred to Appendix B (page 93 of the report) which was Mr Joynul Islam's (Commercial Nuisance Officer) representation. He confirmed to Ned Johnson that a noise abatement notice, and a fixed penalty notice were issued in November 2022 to the premises owner. This was confirmed, which was before the acoustician had carried out a survey of the premises. Mr Ranatunga then referred to the penultimate paragraph on page 94 of the report. He read out a passage 6 lines up from the end of the paragraph

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and also the final paragraph. Ned Johnson did not depart from Joynul Islams representation as he had discussed it with him.

- d. Ned Johnson, in reply to Mr Ranatunga, confirmed that the sound system was installed on ceiling mounted rails directly onto the ceiling. However, if speakers are attached directly to a concrete structure this allows transmission there. For low frequency sound, which will travel through, isolating it will cut off a potential path upwards. Mr Ranatunga stated that one of the conditions offered by the owner is the Neoprene fixing which would deal with that.
 - e. In response to the Chair's enquiry regarding the officer who visited the flats above the premises when the initial noise complaints were made, Ned Johnson confirmed that everything was dealt with by Mr Islam or the out of hours noise team.
 - f. The Chair enquired what time other restaurants closed in the area. Ellie Green (Principal Licensing Officer) would research this and report back to the Committee.
 - g. Had the owner taken the necessary steps as the noise team had asked for. Ned Johnson confirmed that the owner did the correct things. He employed a reputable acoustic consultancy. They performed tests expected from them by Ned Johnson, made good recommendations, good acoustic engineering and installed the noise limiter which is being used.
5. The statement of IP1, owner of Flat 14 Braemore Court.
- a. He represented residents of Braemore Court and was providing a summary of the situation at present.
 - b. The noise limiter had been installed but on several evenings it had been noted that it was turned off allowing music to be loud enough to cause a nuisance.
 - c. When the noise limiter is turned on, intermittent faint music and bass can still be felt in the residential properties which is intrusive. The sound of customers shouting and singing over the music can be heard as well.
 - d. Residents had also been woken up at 3:00am by kitchen preparation involving loud metal banging, dragging and loud chopping.
 - e. The acoustic report recommends the installation of a ceiling, this would further mitigate the sounds of kitchen preparation and sounds of customers. This yet has not been installed.
 - f. We support and welcome the Licensing Authorities proposal that no regulated entertainment is permitted at any time.
 - g. As residents living above the restaurant, what further measures would the LSC be asking for.
6. In response, the following comments and questions were received:
- a. Councillor Pratt asked if it was just himself that could feel the bass beat in his flat or other residents also. IP1 clarified that the acoustic report said that this is a prediction of what the noise limiter would do. The bass beat can still be felt and can hear

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customers shouting. The bass beat is fainter but there are moments it can be felt through the sofa.

- b. Councillor Taylor asked what evidence IP1 that the noise limiter had had been turned off. IP1 clarified that these were the photos in the report, and he also had videos.
 - c. In response to the Chair's enquiry about where the complainant residents lived, Charlotte Palmer (Senior Licensing Enforcement Officer) clarified that all the complainant residents live in the flats above the parade in 8 different residential addresses. Between 20/10/22 – 10/12/22, 18 noise complaints were received from 8 different residential addresses.
 - d. Mr Ranatunga referred to Appendix D in the report and the NARTS submission (page 115 of the report) showing photos from outside the premises, a series of letters sent to residents and a photo of the numbered flats above the premises (page 118 of the report) who the applicant had consulted with. IP1 confirmed he lived in one of the flats shown in the photo at page 118 of the report, and that the PLH and acoustician had gone to his flat to set the levels of the noise limiter.
 - e. IP1 confirmed that he did have the PLH's phone number and was told by him to make contact as regards any noise issues/problems. However, IP1 had only made contact with council officers instead because in the past the PLH had ignored his messages when making contact. Mr Ranatunga didn't accept this because the PLH has been open and co-operative with IP1 throughout.
 - f. Mr Ranatunga stated that since the noise limiter had been calibrated on the 7/02/23 all there has been a log of IP1's complaints.
 - g. Mr Ranatunga referred to a photo on page 6 of the supplementary agenda which IP1 confirmed was taken by him. Taken outside of the premises looking in. IP1 had circled the noise limiter stating that since 7/02/23 the noise limiter was not operating, confirmed by IP1 based on looking at the photo. This was not a basis on which to say that the noise limiter was not operating. When the noise limiter light comes on, this means it is limiting noise. It has been operating on every occasion on which a complaint has been made. A light does not have to be on all the time to show that it is working.
 - h. Mr Ranatunga asked IP1 for if he represented flats 11,12,13. IP1 did not represent those flats.
7. The statement of Mr Ranatunga (Legal Representative) on behalf of the Premises Licence Holder:
- a. The premises are an award-winning high end Turkish Restaurant who are operating in the same fashion as they did at their previous address at 12 Cockfosters Parade.

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- b. Residents were also above the previous premises but never had any problems with council officers, licence reviews or any concerns by residents.
 - c. The new premises had opened in October 2022. Investing significant sums of money re-furbishing the premises including obtaining the acoustic report, setting up the speaker system , calibrating the noise limiter and other matters.
 - d. The restaurant employs 40-50 people. Music and ambient music are an important integral part of the fine dining experience.
 - e. The premises plays background deep house music and not techno music to support the fine dining experience.
 - f. The LSC should trust the Councils noise officers who are the experts and are entirely happy with the acoustic report provided. The consultant and officers set the noise limiter levels and any doubts with that has been backed up with conditions offered.
 - g. Since the noise limiter was calibrated on 7/02/23, IP1 has spoken about complaints but there have not been any substantial noise complaints since then.
 - h. The Commercial Nuisance Officers representation at Appendix B of the report was referred to. The PLH has at all times co-operated with council officers and residents.
 - i. In terms of the owner moving to the new location, it is not unusual to have some issues and teething problems. Council noise team have said that the noise levels can be controlled by the noise limiter and the premises have done that. This review has not been bought by the noise team but by the Licensing Authority.
 - j. Referring to the conditions at page 165 (Appendix F), Annex 3 (page 167) – conditions I, ii, iii, iv & v which are sought by the Licensing Authority if the LSC decides that regulated entertainment is permitted between 08:00am and 11:00pm. The Premises are happy to accept these conditions and included on the licence. The premises have also offered conditions A & B (page 168 of the report). These were not a requirement of the PLH acoustic report and don't see as necessary at this stage.
 - k. This is the 1st review of these premises in this/or previous location and any concerns about noise have been dealt with.
 - l. It is not proportionate to go further than these conditions in the circumstances given this is the first review of these premises. The LSC should impose those mentioned conditions and no more.
 - m. The LSC formal position is to remove regulated entertainment from the Licence. That would be disproportionate on a first review when the council's noise team are content that setting the noise levels through those conditions meets their concern.
8. In response, the following comments and questions were received:
- a. Councillor Taylor recognised that the premises are refuting IP1's suggestion that the noise limiter was turned off. How easy was it

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to turn off the noise limiter? Mr Mahir Kilic (Premises Manager) clarified that the system could not be turned off. Once the sound system is operated and turned on, the music goes from the DJ booth and through to the noise limiter device. To turn off the noise limiter, the entire sound system needs to be turned off or remove the sound system and re-wire away from the noise limiter. It was not possible to just turn off the noise limiter.

- b. If the noise limiter malfunctioned of its own accord then music cannot be played. Condition i (Annex 3 – page 167) states that the noise limiter shall be maintained in effective working order. If it was found to malfunction the premises would be in breach of that condition. There is no evidence that it was malfunctioning and why there has been no noise complaints since 7/02/23.
- c. Councillor Taylor highlighted the acoustic report and recommendations for a noise limiter and the provision of a new insulating potential ceiling which has not been provided. This is detailed at page 139 of the report, Section 9.0 – the 3rd, 4th and 5th paragraphs. In response, Mr Ranatunga clarified that this was because of the 1st paragraph at Section 9 which explains that the expert view is that the noise limiter and measures taken in Section 8 (Mitigation – from page 137) is sufficient. The premises have offered neoprene fixings but is not proportionate at this stage.
- d. Councillor Pratt's comments regarding the neoprene fixing. What was the premises position on the installation of the insulated ceiling for greater separation between the residents and business premises? Mr Ranatunga clarified that the conditions must be both appropriate and proportionate. Their acoustics report does not say that the ceiling is required now. Setting the noise limiter at the appropriate level will deal with noise complaints.
- e. The Chair asked why it was that the premises are now receiving complaints as they had been operating for 10 years with no complaints. The PLH explained that they have been trying to resolve the issues from the onset co-operating with Council Officers. The issues could be initial teething problems moving to a new premises.
- f. Referring to the 40-60 employees of the commercial premises, the Chair asked how many are trained to deal with noise/disturbance at finishing times or would they need more training. The PLH clarified that they have senior management members of staff, front and back of house who are aware of these issues, have been co-operative throughout and have been trained.
- g. In response to the Chair's question regarding complaints, Mr Ranatunga stated that there are 2 flats directly above the restaurant, flat 14 (IP1) and flat 11. IP1 did not represent flat 11 who are also directly above the speakers but are happy. IP1's

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- sensitivity had led to complaints. In response IP1 stated that flat 11 have an insulated floor hence no complaints about noise.
- h. Charlotte Palmer was concerned about the position of the speakers. She referred to the Acoustic report at page 137, Section 8.2 which was read out. The acoustic report is recommending that something else be put in between the speakers and the ceiling as an extra soundproofing. Had that been done? The PLH advised that this had not been done.
 - i. Mr Ranatunga stated that they could put the neoprene fixings in which is why there is a condition to that effect. Charlotte Palmer clarified that this may be why some residents were still experiencing lower-level noise because the recommended neoprene fixings had not been installed.
 - j. In response to Charlotte Palmers question regarding any future noise surveys once the recommendations have been installed, Mr Ranatunga referred to condition 2 which requires a re-calibration of the noise limiter annually.
9. Ellie Green provided answers to previous comments made:
- Skewd Kitchen first premises at 12 Cockfosters Parade – No review action against those premises Does not have music specified as a licensable activity on that licence and the hours of the premises was to close at mid-night and alcohol sales to cease at 11:00pm.
 - On a search of 9 premises of restaurants of a similar nature to Skewd Kitchen along the Cockfosters Road including Heddon Court Parade, Station Parade and Cockfosters Parade:
 - i) 5 Have not got music specified on their licence.
 - ii) 2 have got live & recorded music till 12:30am latest.
 - iii) 2 have 24 hours for recorded music.
10. The summary statement from Ellie Green, Principal Licensing Officer:
- a. That the LSC only consider information relating to licensable activity and music. The kitchen activity and chopping are not a licensable activity, cannot condition anything to that activity and will be dealt with separately by the Council Noise Team.
 - b. Having heard all of the representations the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives:
 - 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
 - c. Annex 2 (from page 47 of the report) directs you to relevant policy and guidance sections relevant to this review.

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11. The summary statement of Charlotte Palmer, Senior Licensing Enforcement Officer:
 - a. The Local Authority still recommends that a condition be added to the licence. So that the premises can only be permitted to provide background level music. This is because the recommendations in the acoustic report still haven't been put in place yet and may be why there are still problems with residents.
 - b. In addition to the acoustic report, the premises speakers should have neoprene fixings for vibration isolation.
12. The summary statement of IP:
 - a. We welcome the support from the Licensing Authority to remove the rights for regulated entertainment.
13. The summary statement of Mr Ranatunga (Legal Representative) on behalf of Skewd Kitchen:
 - a. To meet the concerns here, I say its proportionate to impose the 4 conditions mentioned that are agreed. We accept the point that the neoprene fixing condition aswell which is proportionate to do as recommended. To go further than that on a first review would be dis-proportionate.
The previous premises and licence is materially identical to this one at the new premises. We did not have music as a regulated activity there and don't have that here either because it is de-regulated under the live music act.

RESOLVED that

LICENSING SUB-COMMITTEE – 29 MARCH 2023

Application was made by the LICENSING AUTHORITY for a review of the Premises Licence (LN/201500538) held by MR MAZLUM DEMIR at the premises known as and situated at SKEWD KITCHEN, 113-115 COCKFOSTERS ROAD, COCKFOSTERS, EN4 0DA.

The Licensing Sub-Committee RESOLVED that it considers it to be appropriate for the promotion of the licensing objectives to modify the conditions of the licence.

Conditions to be added to premises licence:

A. Section 177A of the Licensing Act 2003 does not apply to conditions B, C, D, and E.

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

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

D. All loudspeakers should be isolated from the building structure. For fixed speakers, this should be achieved using neoprene fixings for all speaker mountings. For free standing speakers, these should be sited on a suitable isolating material.

E. DJs should be reminded of the requirements and be trained in the proper use of noise limiting equipment and the appropriate control of sound systems.

Reasons:

The Chair made the following statement:

“The Licensing Sub-Committee have decided after hearing the parties and considering all the evidence in the agenda that it is not appropriate to disapply section 177A of the Licensing Act 2003 so that only background music is permitted at this stage.

However, the LSC does believe that the five conditions (as set out above) are required to promote the prevention of public nuisance, and by disapplying section 177A to these conditions, the conditions must be complied with at all times the premises licence is in use.”

LICENSING SUB-COMMITTEE - 5.4.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 5 APRIL 2023**

COUNCILLORS

PRESENT Doug Taylor (Chair), George Savva MBE and Edward Smith

ABSENT None

OFFICERS: Ellie Green (Principal Licensing Officer), Balbinder Kaur (Legal Representative), Harry Blake-Herbert (Governance Officer)

Also Attending: Cllr Paul Pratt, Cllr Adrian Grumi, Ilir Hasani (Premises Licence Holder/ Owner/ Applicant), IP6

1 WELCOME AND APOLOGIES FOR ABSENCE

The Chair welcomed everyone to the meeting.

2 DECLARATION OF INTERESTS

NOTED there were no declarations of interest received regarding any items on the agenda.

3 REVIEW APPLICATION - TABLES AND CHAIRS LICENCE

The Licencing Team RECEIVED the application for a new tables and chairs licence from Mr Ilir Hasani at the premises known as and situated at Eagles Hill, 49 Cannon Hill, London, N14 6LH.

NOTED

1. The Introduction by Ellie Green, Principal Licensing Officer, including:
 - a. The premises situated at 49 Cannon Hill has been known under various different names, such as: Meze Café Bar, Siegy Mariase, The Meze Bar, Pasticcio, Le’Kara and now the Eagles Hill. The nature of the premises has always been of a café/bar/restaurant nature.
 - b. On 16 November 2009, Mr Feral Birdane was granted a street trading (tables and chairs) licence (to be referred to from now as the tables and chairs licence), under the London Local Authorities Act 1990. The application was advertised and consulted upon, and no objections were received.
 - c. A summary of the licence: • Tables and chairs permitted to be used daily between midday and 11pm; • The licensed area was 3.5 m (width) x 1.5 m (depth), permitting 5 tables and 10 chairs.

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- d. Tables and chairs licence LN/200900514 was renewed annually until it expired on 31/03/2014, as it was not renewed by Mr Birdane.
- e. Tables and chairs licence LN/20090051 was not subject to any review or prosecution action.
- f. The Eagles Hill is currently licensed under the Licensing Act 2003 and has been since the licensing conversion in 2005 from the former licensing regime. Premises licence LN/201800758 was transferred to Mr Ilir Hasani as the new premises licence holder on 7 February 2023. Mr Hasani also became the named Designated Premises Supervisor (DPS) at this time.
- g. Since Mr Hasani become the premises licence holder, he applied for a variation of the premises licence to permit alcohol sales (on supply) and opening to be consistent throughout the week, namely 11pm. The premises was previously closed on Mondays and closed at 10pm the remaining days - Sunday to Wednesday. Slightly reduced hours to allow drinking up time on the days to be varied, plus conditions were sought through representation by the Licensing Authority and the Police. Those were agreed by Mr Hasani.
- h. A total of 7 local councillors and residents objected to the variation application but in this instance were not deemed relevant for the variation application. As a result of no outstanding valid representations, the variation application was granted on 14 March 2023.
- i. A summary of Premises licence LN/201800758: • Opening hours: 06:00 to 23:00 daily; • Sale of alcohol (on supply): Sunday to Wednesday 08:00 to 22:30, Thursday to Saturday 08:00 to 23:00.
- j. On the plan attached to Premises licence LN/201800758, which forms part of the authorisation under the licence, the licensed area (historically) includes the outside area to the front of the premises. Therefore, it is deemed that on supply alcohol sales are permitted in any outside area (in line with the plan), subject to the additional benefit of a tables and chairs licence.
- k. Conditions of the premises licence can be found on page 2 of the agenda reports pack under subsection 1.12.
- l. Premises licence LN/201800758 has not been reviewed or subject to prosecution action at any time.
- m. A new tables and chairs licence application from Mr Hasani was received by the Licensing Team on 14 February 2023.
- n. The following were consulted as part of the 28-day consultation process: Planning, Environmental Crime Unit, Highways, Commercial Noise, Anti-Social Behaviour Team, Waste Services, the Police Licensing Team, and the ward councillors.
- o. Mr Hasani was also required to provide proof of a Waste Contract and display the site notice for the duration of the 28-day consultation period, which were deemed to be satisfactory.
- p. Other Persons: A total of 48 representations have been made, against the new tables and chairs application by ward councillors and local residents, who are referred to as IP1, IP2 etc.

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- q. The representations object to the application, for a number of reasons, summarised as: • The pavement is not wide enough to accommodate the tables and chairs, plus pedestrians, pushchairs and wheelchairs; • Customers would loiter/congregate outside the premises; • Tables and chairs would cause an overflow of people on the surrounding pavement area; • Local residents/pedestrians will feel intimidated; • Women and young children may suffer from sexual harassment; • Impact of smoking on passers-by including school children and residents, including noxious smells; • Pedestrians will be forced to walk in the road to get past the premises; • Additional litter including smoking litter; • Customers are predominantly male; • ASB caused by drinking alcohol outside; • Concern that similar behaviour will be experienced outside this premises as to that witnessed by neighbouring premises. This neighbouring premises recently had a pavement licence refused; • Result in activity which is not family friendly; • Sufficient space inside the premises; • The plan provided did not meet the requirements; • Noise from customers outside will disturb local residents in flats above the premises.
 - r. In response to the comments, Mr Hasani submitted an amended plan, and an updated notification list to include nearby residents.
 - s. It should be noted that Highways officers undertook a site visit and were satisfied with the plan provided and the measurements for the licensed area sought. As a result, no objection has been received from Highways.
 - t. The Police (neither Licensing nor ward teams) did not object to this application.
 - u. The premises is situated in the middle of a small commercial parade with residential flats above and is surrounded by residential streets.
 - v. Mr Hasani's application is for an outside area for tables and chairs of 4.5m (width) x 1.5m (length), to contain 4 tables and 10 chairs, and operate between 8:00 and 23:00.
 - w. The only other premises on Cannon Hill licenced for outside furniture is a bar/ cafeteria located at 28 Cannon Hill which permits 3 tables and 12 chairs, in an area 3m x 1m, between 8:00 and 18:00 daily.
 - x. The Principal Licensing Officer, Ellie Green took the Committee through the running order for the meeting.
2. In response, the following comments and questions were received:
- a. The Chair asked for confirmation that each speaker would be given 5 minutes to make their representations, which Ellie Green confirmed.
 - b. Cllr Pratt asked for confirmation that each party would be able to summarise their points at the end, which Ellie Green also confirmed.
3. Mr Ilir Hasani, the premises licence holder/ owner, made his statement:
- a. Mr Hasani began by stating that he had only just opened the restaurant in the past 3 weeks.

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- b. He explained that he had lived in Enfield for 20 years.
 - c. It was pointed out that the premises had been granted a tables and chairs licence previously.
 - d. Mr Hasani expressed that he felt both he and his business were being judged based on the behaviour of the premises next door to his.
 - e. He conveyed that Eagles Hill was a family-based business.
 - f. Mr Hasani described how members of the public/ customers wanting to use the tables and chairs outside of his premises would have to buy food and or drink.
 - g. It was emphasised that the highways agency was satisfied with the amount of space the tables and chairs area would occupy, and that it meant adequate room on the pavement would still be available to pedestrians.
 - h. He insisted that he had been and was willing to continue working 12–13-hour days to ensure his premises, particularly outside, where the new tables and chairs would be located, remained clean.
 - i. Mr Hasani said that he had spoken to neighbours and asked that if they have any problems they could ask/ approach him directly.
 - j. It was highlighted that another café on the street was permitted to use tables and chairs.
 - k. He told the committee that he had always paid his bills and that this was a hard time for businesses such as his.
 - l. Mr Hasani reiterated that he felt he was being judged for being new and stressed that neighbours were always welcome to speak to him if they had any issues.
4. In response, the following comments and questions were received:
- a. Cllr Savva asked whether Mr Hasani, having been in this line of business for a long time, had ever received any complaints. Mr Hasani responded that he had worked in this area of business since 2006 but that this was the first business he had owned, he expressed that he was previously working at another premises in the not-too-distant surrounding area.
 - b. Cllr Smith asked for the specific date the premises started trading with Mr Hasani as the licence holder, to which it was confirmed to him to be the 11th of March 2023.
 - c. Cllr Smith queried how the food being served, which was not fresh, but instead packed sandwiches, fit with the licence holder's intentions of creating a family friendly restaurant. Mr Hasani replied that he had been forced to serve this type of food until the Monday gone, as a gas meter was not installed at the premises prior to this; but that this had since been done, and they had now moved on to serving a whole range of meals, with the menu having been placed on the premises window for all to see.
 - d. The Chair asked how the licence holder defined the 'full food' he claimed to be providing. Mr Hasani responded that previously they had only been able to sell sandwiches, but now had a full menu of different

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things, which was now visible on the premises window for neighbours to see.

- e. The Chair highlighted the concerns residents had put forward, he queried given it was not in the licence holders power to control customers outside, how he was going to answer these concerns. Mr Hasani replied that he would ensure people using the tables and chairs outside the premises were consuming food/ drink, and said he would speak to people to make sure they are behaving in conjunction with their policy/ expectations.
- f. The Chair expressed his concern about the antisocial behaviour local residents were experiencing, he said this offensive activity may take place despite customers eating/ drinking outside the premises and wondered how the licence holder would try to address this occurring at his premises. Mr Hasani responded that he would speak to customers if issues occurred, he said that any customers who engaged in such activity would not be welcome at his premises again and if necessary, he would call the police.
- g. Cllr Savva asked if in the short time the premises had been open with Mr Hasani operating as the licence holder, whether any customers had experienced intimidation/ harassment. Mr Hasani replied that no such problems had occurred on his premises as far as he was aware, and that these behaviours/ assumptions had emanated from the store next door.
- h. Cllr Savva queried what type of customers the licence holder was hoping to have at the premises. Mr Hasani responded that he hoped the noise emanating from the premises would be relatively quiet, that as of Monday they had introduced more food and planned on welcoming mostly families.
- i. IP6 expressed that residents also wanted to have a family inclusive café culture in the area, like Winchmore Green which had created a real community hub by closing the slip road. They reiterated their concern that cafes were becoming male dominated particularly in outside seating areas which was creating an intimidating atmosphere for women. IP6 asked how the licence holder would make sure his premises was inclusive to the local population, in particular women and families. Mr Hasani replied that he would try bringing in customers that would eat, drink, and go; and not hang around. He conveyed how he believed the introduction of tables and chairs would make it easier to control people outside, as it would make the storefront look worse if they were still loitering. Mr Hasani reiterated that he was a family man, working 12–13-hour shifts; that the premises had tables and chairs previously, and if residents had concerns, they could speak to him, and he would address them.
- j. Cllr Smith enquired hypothetically, if in the future it was found that the tables in chairs had been put in place, and the concerns raised were occurring, whether they would be able to make changes to or revoke the tables and chairs licence. Ellie Green confirmed that they would be able to amend or revoke the licence in the future if problems did occur.

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- k. Mr Hasani stated that he would be willing to accept reducing the hours the tables and chairs would be permitted to operate if that would help.
5. Cllr Pratt, representing several interested parties, made the following statement:
 - a. Cllr Pratt began by directing the committee's attention to the pages in the report that he would be referring to, and expressed that he was present in his role as a ward councillor and that he was representing a large number of residents.
 - b. Cllr Pratt pointed out that Southgate Green was a conservation area, and unique in its family friendly nature.
 - c. Cllr Pratt highlighted that gatherings of men outside cafes was becoming a real problem in the area, and that long standing issues existed in relation to the concerns raised by residents at the premises next door to the one being discussed, with complaints going back 3 years.
 - d. Cllr Pratt conveyed how tables and chairs encouraged loitering which in turn generates an intimidating atmosphere.
 - e. Cllr Pratt explained how when tables and chairs are removed from similar premises, the community witnesses a return to the family friendly atmosphere it desires, but if this application were to be approved, this would see a return to the issues residents had been experiencing.
 - f. Cllr Pratt expressed how other businesses in the area had become the victims of extortion and feared there was potential for the same to occur here.
 - g. Cllr Pratt relayed to the committee that on the 11th and 12th of March 2023, the outside area of the premises had been used by the licence holder without the council's permission.
 - h. Cllr Pratt told the committee that one of the chief reasons residents objected to the proposed tables and chairs licence was because they felt the pavement was not wide enough, and their addition would cause a nuisance for those members of the public in wheelchairs or with pushchairs.
 - i. Cllr Pratt raised a concern of many interested parties, that the amended plan, submitted by the applicant, which was supposed to have addressed 11 requirements/ errors, had not addressed all of them.
 - j. Cllr Pratt said the applicant's inability to follow instructions and apply the required process gave him no confidence that he would be able to navigate the issues which had been raised.
6. In response, the following comments and questions were received:
 - a. The Chair asked Cllr Pratt to highlight what he felt were the most significant failures of the application. Cllr Pratt responded that the applicant's amended plan was not clearly drawn/ annotated and that

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the definitions provided were not to the expected standard. He pointed out that the scaling of the plan was not set out as it was defined in the application. Cllr Pratt expressed how the precise position of the tables and chairs had not been provided, that the hanging baskets referenced in the proposal had not been illustrated, and parking bays were not to scale. He also drew attention to the fact that the dropped curb for the island in the middle of the road had not been shown, and that this was the only place those in wheelchairs could cross, in order to access the bus stop.

- b. The Chair said that he would come back to ask Ellie Green how important the above considerations just discussed were, before moving on to make the point that the highways and street trading groups had considered the 2.3 meters proposed, to be sufficient space, and that the idea the tables and chairs would cause obstructions, did not fit with council policy. The Chair asked Cllr Pratt to confirm that the residents' concerns about this were based solely on their personal views, and not policy. Cllr Pratt replied that in the experience of residents, the remaining pavement space would not be wide enough.
- c. Cllr Savva queried if, given there had been no representations made from the police, highways, or the councils anti-social behaviour team, any proof existed of allegations of sexual harassment at Eagles Hill. Cllr Pratt responded that he was waiting for residents to provide crime reference numbers, and that the only evidenced accounts of such behaviour/ activity that he could share related to the neighbouring premises. Cllr Pratt later expressed how for a period of over 3 years the premises next door had a number of behavioural based incidents reported, and that he was still trying to reach out to residents about this; but that because he was a relatively new councillor, it had been difficult accessing all these channels.
- d. Cllr Smith asked for confirmation that the tables and chairs licence for the premises next door had been refused. Ellie Green replied that the tables and chairs licence for the premises next door was proposed as a pavement licence, thus was determined by officers, and that she could provide an explanation of how the processes differed if required.
- e. Cllr Smith queried, despite the premises having only been open a few weeks, and having its teething issues with serving food, whether he was aware of any evidence of loitering, harassment, intimidation, or other anti-social behaviour at this premises. Cllr Pratt responded that he had been sent photos from residents of loitering around the premises, but that it was hard to define which exact premises they were on. He admitted there had not been many complaints about the premises, but that this was covering a short period of time, and said he was unable to report on the issue further, due to the police having issued a cease and desist.
- f. Cllr Savva asked, given the number of long residential streets in the surrounding area, how only 48 signatures had been received, and felt this was a lot of people who had refused to sign it. Ellie Green replied that this was not a petition but a number of individual emails. Cllr Pratt

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reiterated that this was not a petition but a number of individual emails, emphasising that this took more effort, and was a considered decision by individuals with other things to do with their time; and this was an unusually high number of representations. Cllr Savva said that of the whole ward, only having 48 complaints was not too many. The Chair responded that this was still enough/ more than usual for such an application/ proposal.

- g. Mr Hasani said that on the 11th and 12th of March 2023, he had only put a barrier up to prevent customers at the neighbouring premises encroaching in front of his property. He said that no tables and or chairs had been put out and that he had moved the barriers as soon as the council asked him to do so. Ellie Green confirmed this to be the case.
- h. Cllr Smith said that if the tables and chairs were managed properly there would not be a problem, thus asked if barriers would be legally permissible in the licence. Ellie Green responded that such barriers were legally permissible providing they were located within the licenced area. She said that the barrier type Mr Hasani had used were fine, he just had not gone through the process of seeking permission to use them, and that a condition for these being required in the licence need not be overly defined, but that planters could not be used.
- i. IP6 made clear their concerns that the cafés outside seating area would become male dominated and not the family friendly area residents wanted. Ellie Green said that the plan submitted in the licence had gone through the proper process, that officers conduct visits of such sites as they do not necessarily know the area, and that for this type of application, the plan was normal/ in keeping with what officers usually tend to see. Cllr Pratt expressed that he felt the way in which the form had been completed was not normal nor compliant with the standard the council should be prepared to accept. The Chair conveyed that he acknowledged the point of Cllr Pratt, but felt the application was acceptable, he added that perhaps more clarity as to what the council are looking for in such proposals/ applications could be made clearer moving forwards.
- j. Cllr Grumi queried, if the barrier had been put in place because the applicant was troubled by the neighbouring premises customers encroaching on his premises, how the tables and chairs would prevent customers from next door, who were causing trouble, from moving over to Eagles Hill. Mr Hasani replied that he was not worried about the customers of the premises next door, but that he was looking to attract a different type of clientele.
- k. The Chair asked in reference to the proposal/ business plan, what percentage of the business the premises did would be take aways as opposed to eating in/ at tables. Mr Hasani explained that the option for take aways was not yet being considered, but was instead something that he would introduce at a later date.
- l. Cllr Smith asked if any complaints had been received from residents living above the premises, with regards to the late closing time, and

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asked for confirmation that the applicant would be willing to reduce the times the tables and chairs licence would operate. Cllr Pratt responded that anti-social behaviour complaints had not been made after around 18:30/ 19:00, and emphasised that the main problems were with smoking, which led to loitering during the day. Ellie Green said that she was not aware of specific representations being made from a resident in the flats above the premises, and made clear it was included as part of the licence that those using the tables and chairs would have to be drinking/ eating, people could not just sit down and smoke. The Chair pointed out that customers could sit for a long time with a drink whilst smoking. Cllr Pratt expressed how he believed one complaint had come from a resident above the premises who had raised the issue of the smell of smoking rising to the flats above, but that he was not sure if this was in the report. Mr Hasani confirmed he was happy to reduce the tables/ chairs operating times.

- m. The Chair asked for confirmation that the premises had been granted a tables and chairs licence previously and asked whether there had been any objections to this, and if the premises operated then, in a similar way to what was being proposed now. Ellie Green confirmed the premises previously had a tables/ chairs licence but that it had not been renewed by the licence holder past 2014; she informed the committee that no objections had been made against this licence previously, and that the premises had functioned in a similar way to what was being proposed.

7. The Chair invited each party to make a closing summary:

- a. Ellie Green conveyed to the committee that they had heard the representations of each party and could now choose to accept, accept with conditions, or refuse the application.
- b. Cllr Pratt expressed how residents were not opposed to having a family friendly tables and chairs area for a café/restaurant, but instead opposed to the proposal based on the number of issues that had been raised in the report and throughout the representations. He said that residents implored the committee to reject application, but if they were not minded to do so, should include a no smoking condition in the licence, if they are able to.
- c. Ellie Green stated that this was not an option open to the committee today, and that the most they could do in respect of this would be to recommend that the licensing authority look into the potential for this.
- d. IP6 conveyed that residents wanted cafés/restaurants with a family culture, and that Winchmore Green had become a real hub for the local community since the council closed the slip road, and felt the slip road behind the bus stop could be closed to achieve the same effect here. They said residents did not want another male dominated café as this was neither good for businesses, nor the local community.

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- e. Mr Hasani reiterated that he wanted permission for a tables and chairs licence, and that if neighbours had any issues, they could come to him, and he would try to help.
- f. The Chair asked, if the committee were hypothetically minded to agree with pursuing a non-smoking clause, what the applicant/ licence holders view on this would be. Mr Hasani said that he hated smoking, and would be willing to accept this, but felt that it would only push people further onto the road, which would look even worse.
- g. IP6 expressed that residents may also want the hours the tables and chairs licence operates to be restricted, with the evening slot in particular, he felt, being more of an issue. The Chair asked if IP6 felt the tables and chairs operating during schools opening and closing times was an issue, to which IP6 replied they thought it had been in the case of Ashfield Parade.

The Chair thanked everyone for their time and adjourned the meeting whilst the committee went away to deliberate. The Panel retired, with the legal representative and committee administrators, to consider the application further and then the meeting reconvened in public.

RESOLVED that:

The Licensing Sub-Committee RESOLVED that the new application be ISSUED IN PART as follows:

- (i) Licensed Area: 4.5 m (width) x 1.5 m (depth) = Total 6.75 sq m
- (ii) Licensed Days/Hours: from 09:00 to 22:30 daily
- (iii) Maximum Quantity Tables: 4
- (iv) Maximum Quantity Chairs: 10

Conditions (in addition to Standard Conditions 1 to 27):

28. The licensed area shall be defined by a barrier.

The Chair made the following statement:

“The Licensing Sub-Committee having listened to and considered written and oral submissions made by the Licensing Authority, the applicant and the 48 representations received opposing the application and the reasons for those objections.

The Licensing Sub-Committee has taken into account the relevant provisions of the London Local Authorities Act 1990, sections 25, 27 and 28 and the London Borough of Enfield’s Street Trading Policy of September 2008 in making its decision to grant the licence in part, with slightly reduced hours (as set out above) and an additional condition.”

Additionally, the Chair noted the applicant’s good intentions; reassured residents that the licence was always open to be reconsidered, and

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recommended that the Licensing Authority and applicant discuss the potential for a no smoking area.

The Chair thanked everyone for their time and brought the meeting to a close.

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MUNICIPAL YEAR 2022/23 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
3 May 2023

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Variation of a Premises Licence Application	
PREMISES : Troy's Lounge, 74 Aldermans Hill, LONDON, N13 4PP	
WARD : Palmers Green	

1 LICENSING HISTORY OF PREVIOUS PREMISES LICENCE – LN/201100167:

- 1.1 On 21 July 2011, a new premises licence application for an off licence was granted in full by the licensing sub-committee at a hearing, naming Kuflonik Ltd as Premises Licence Holder (PLH) and Mrs Agata Racut as Designated Premises Supervisor (DPS). The application went to a hearing as a result of outstanding objections from the Police and Trading Standards who sought conditions, and also local residents on the grounds of prevention of public nuisance and prevention of crime and disorder. The report, decision notice and minutes of that hearing can be found here:
<https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=7516&Ver=4>
- 1.2 Premises licence LN/201100167 has been transferred to new premises licence holders twice and was subject to two vary DPS applications whilst it was open.
- 1.3 The premises was last known as Euro Off Licence under this premises licence and the last premises licence holder was Ms Kinga Garlinska and Ms Diana Siemieniuke was the last named DPS.
- 1.1 The last annual fee licence period expired on 14/06/2021 and as payment of the annual fee for the new licence period was not made, premises licence LN/201100167 was suspended under Section 55A of the Licensing Act 2003. This licence is still suspended.
- 1.2 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, but no response received.
- 1.4 Premises licence LN/201100167 has not been subject to any licence review.
- 1.5 Premises Licence LN/201100167 permits the following:
- 1.5.1 Hours the premises open to the public: 09:00 to 23:00 daily.

1.5.2 Supply of alcohol (off supplies only): 09:00 to 23:00 daily.

2.0 LICENSING HISTORY OF CURRENT LICENCE: LN/202200287

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 The director at that time was Mr Alfons Prifti. Mr Prifti was also the named DPS for this application

2.3 The new application sought:

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 Each of the Responsible Authorities were consulted in respect of the application. The Police did not object to the application. The Licensing Authority objected seeking a reduction of hours and conditions.

2.5 The new application also attracted objections from Other Parties, namely eleven local residents.

2.6 As a result of the outstanding representations, the Licensing Sub-Committee determined the application at a hearing on 3 August 2022.

2.7 The full report, decision and minutes can be found on the council website here: <https://governance.enfield.gov.uk/mgChooseDocPack.aspx?ID=14367>

2.8 To summarise, the application was granted in part with conditions and hours as follows:

Table 2:

Licensable Activity	Licensing Hours
Supply of Alcohol (on supply only)	10am to 23:30 daily
Late Night Refreshment (indoor only)	23:00 to 23:30 Sunday to Thursday 23:00 to 00:00 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Friday 08:00 to 00:00 Saturday & Sunday

2.9 A copy of the decision notice is now produced in Annex 1.

2.10 A copy of the current premises licence is produced in Annex 2.

- 2.11 On or around the 9th January 2023, the Licensing Team were made aware that the premises had changed its name to Troy's Lounge Bar, then on or around 23 February 2023, the Licensing Team were made aware that the premises had changed its name to Troy's Lounge.
- 2.12 The premises is not located within one of Enfield's Cumulative Impact Policy areas.

3.0 THIS APPLICATION – VARIATION OF PREMISES LICENCE LN/202200287:

- 3.1 On 23 February 2023, the Licensing Team received the first variation application for premises licence LN/202200287. The applicant details were incorrect so was amended and re-submitted the same day. However, as the applicant did not meet the advertising requirements, the consultation for the variation recommenced and the last date for representation was 8 April 2023.
- 3.2 A copy of the variation application is produced in Annex 3.
- 3.3 The premises licence holder is still Toto Lounge & Bar Limited, of 74 Aldermans Hill, Palmers Green, London, United Kingdom, N13 4PP registered Company number 13062445. The current director is Mr Taulant Kojnozi, who became an active director of the company on 8 August 2022. Note this is 5 days after the new premises licence application was granted at the new premises licence application hearing. Also on 8 August 2022, the director at the time of the new application, namely Mr Alfons Prifti, resigned as director of this company.
- 3.4 Mr Alfons Prifti is still the named DPS on this licence, no vary DPS application has been received.
- 3.5 The variation application seeks to formally change the name of the premises and increase the hours/activities, as follows:

Table 3:

Activity	Current Times	Proposed Times
Supply of Alcohol (on supply only)	Monday-Sunday 10:00-23:30	Monday-Sunday 10:00-00:00
Opening hours	Monday-Friday 06:30-00:00 Saturday & Sunday 08:00-00:00	Monday-Friday 06:30-00:30 Saturday & Sunday 08:00-00:30

- 3.6 No additional conditions were offered in the Operating Schedule.
- 3.7 Note no regulated entertainment such as live music or recorded music have been applied for in this variation, therefore only background/incidental music is permitted after 11pm.

- 3.8 Each of the Responsible Authorities were consulted in respect of the application.

4.0 RELEVANT REPRESENTATIONS:

- 4.1 **Licensing Authority** – Representation was received on behalf of the Licensing Authority, objecting to the variation application in full, namely the extension of hours, under the Prevention of Crime and Disorder and Prevention of Nuisance licensing objectives. A copy of the Licensing Authority representation can be found in Annex 4.
- 4.2 **Metropolitan Police** - Representation was received on behalf of the Metropolitan Police, objecting to the extension of hours, under the Prevention of Crime and Disorder licensing objective. A copy of the Police representation can be found in Annex 5.
- 4.3 **Other Parties** – Representation was received by one Other Party, namely a local resident in Grovelands Road, objecting to the extension of hours, under the Prevention of Crime and Disorder and Prevention of Nuisance licensing objectives. A copy of the Other Party representation can be found in Annex 6.
- 4.4 **Premises Licence Holder** – No representation has been received on behalf of Toto Lounge & Bar Limited at the time this report was being prepared.

5.0 PROPOSED LICENCE CONDITIONS:

- 5.1 The conditions arising from this variation application and the Police representation are produced in Annex 6.
- 5.2 Toto Lounge & Bar Limited has not indicated any agreement to any of the Police conditions at the time this report was prepared.
- 5.3 The conditions sought by the Police may only be applied to the licence if the Licensing Sub-Committee are minded to grant the variation application in full or in part, namely if any extension to hours is granted.

6.0 RELEVANT LAW, GUIDANCE & POLICIES:

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

General Principles :

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 6.3 The licensing objectives are :
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4(2)].
- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 6.4.1 the Council's licensing policy statement; [Pol]&
 - 6.4.2 guidance issued by the Secretary of State [Act s.4(3)].[Guid]

Hours:

- 6.5 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]
- 6.6 Where there are objections to an application to extend the hours during which licensable activities are to be carried on and the licensing authority determines that this would undermine the licensing objectives, it may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Guid 10.14].
- 6.7 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].
- 6.8 The Council recognises that variable licensing hours for the sale of alcohol may be desirable to ensure that concentrations of customers leaving premises simultaneously are avoided. However, where this may lead to longer opening hours the Council also recognises the potential for additional crime and disorder and/or public nuisance that may arise. [Pol s.8.2].
- 6.9 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].

- 6.10 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].
- 6.11 The Council takes the view that persons under 18 may be at risk by late night access to premises primarily used for the sale and consumption of alcohol. In particular, exposure to late night drinking may encourage illegal drinking and detrimentally affect studies and work. [Pol s.8.5].

Live music

- 6.12 Live music is licensable:
- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
 - where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late-night refreshment;
 - where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
 - where a performance of amplified live music takes place at relevant licensed premises, or workplaces, in the presence of an audience of more than 500 people; or
 - where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review. [Guid 16.26]

Recorded music

- 6.13 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:
- where the playing of recorded music takes places before 08.00 or after 23.00 on any day;
 - where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
 - where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and

- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended). [Guid 16.33]

Incidental music

- 6.14 The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is ‘incidental’ to another activity “which is not itself a description of entertainment falling within paragraph 2” of Schedule 1 to the 2003 Act. [Guid 16.57]
- 6.15 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music cannot be incidental to a boxing or wrestling entertainment⁷⁶ such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required. [Guid 16.58]
- 6.16 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:
- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
 - Is the music advertised as the main attraction?
 - Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music? [Guid 16.59]
- 6.17 Conversely, factors which would not normally be relevant in themselves include:
- the number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
 - whether musicians are paid;
 - whether the performance is pre-arranged; and
 - whether a charge is made for admission to the premises. [Guid 16.60]
- 6.18 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is “incidental” in the individual circumstances of any case. [Guid 16.61]

7.0 DECISION:

- 7.1 As a matter of practice, licensing authorities should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas. A responsible authority or other person

may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation and should be allowed sufficient time to do so, within reasonable and practicable limits. [Guid 9.37].

- 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 :
Ellie Green on 0208 1322 128

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



LICENSING SUB-COMMITTEE – 3 AUGUST 2022

Application was made by **TOTO LOUNGE & BAR LTD** for the premises situated at **74 Aldermans Hill, LONDON, N13 4PP** for a New Premises Licence.

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

(i) Licensing Hours and Activities:

Licensable Activity	Licensing Hours
Supply of Alcohol (on supply only)	10am to 23:30 daily
Late Night Refreshment (indoor only)	23:00 to 23:30 Sunday to Thursday 23:00 to 00:00 Friday & Saturday
Opening hours	06:30 to 00:00 Monday to Friday 08:00 to 00:00 Saturday & Sunday

Conditions (in accordance with Annex 9):

(i) Conditions 1 to 18

(ii) **AND** new Condition 9(b):

The service of drinks to customers in the rear garden area shall cease at 22:30 hours and no customer shall be allowed to use the rear garden area of the premises after 23:00 hours.

Reasons:

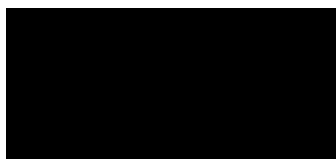
The Chair made the following statement:

“The Licensing Sub-Committee (LSC) having considered written and oral submissions made by the Licensing Authority, the Applicant and the Interested Parties (IPs) has decided to grant the application in part. The LSC was concerned to restrict noise nuisance in a mainly residential area and has resolved to include a condition 9b which would restrict access to the garden area to 23.00 hours from Monday to Sunday. Therefore, drinks will not be served to customers in the rear garden area after 22:30 and customers shall not be allowed to use the rear garden area of the premises after 23:00 hours on Monday to Sunday. This will promote the licensing objectives of the Prevention of Public Nuisance.

The LSC has considered the statutory guidance and the London Borough of Enfield’s Policy Statement in making its decision and has made its decision in promoting the four licensing objectives and in particular that of the Prevention of Crime and Disorder and Prevention of Public Nuisance.”

Date Notice Sent : 5 August 2022

Signed :



Principal Licensing Officer

APPEAL

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

North London Magistrates Court

Highbury Corner, 51 Holloway Road, London, N7 8JA

Annex 2

Licensing Act 2003



PART B – PREMISES LICENCE SUMMARY

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: LN/202200287

Part 1 – Premises Details

Premises Name and Address: Toto Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP

Where the licence is time-limited, the dates:

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

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

Operating Schedule Details

Location	Whole Premises	
Activity	Open to the Public	
Sunday	08:00-00:00	
Monday	06:30-00:00	
Tuesday	06:30-00:00	
Wednesday	06:30-00:00	
Thursday	06:30-00:00	
Friday	06:30-00:00	
Saturday	08:00-00:00	
Non-Standard Timings & Seasonal Variations		

Location	On Supply	
Activity	Supply of Alcohol	
Sunday	10:00-23:30	
Monday	10:00-23:30	
Tuesday	10:00-23:30	

Wednesday	10:00-23:30
Thursday	10:00-23:30
Friday	10:00-23:30
Saturday	10:00-23:30
Non-Standard Timings & Seasonal Variations	

Location	Indoors only
Activity	Late Night Refreshment
Sunday	23:00-23:30
Monday	23:00-23:30
Tuesday	23:00-23:30
Wednesday	23:00-23:30
Thursday	23:00-23:30
Friday	23:00-00:00
Saturday	23:00-00:00
Non-Standard Timings & Seasonal Variations	

Part 2

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

Name: Toto Lounge & Bar Limited

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

Registered number of holder (where applicable):

13062445

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

Mr Alfons Prifti

State whether access to the premises by children is restricted/prohibited:

Restricted

Signed:



Date: 5 August 2022

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. 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.**
- 3. 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.**
- 4. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.**
- 5. 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.**
- 6. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.**
- 7. 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.**
- 8. At least 2 members of staff shall be present on the premises between 19:00 until closing.**
- 9. 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.

10. Staff shall actively discourage patrons from congregating around the outside of the premises.

11. 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.

12. 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.

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

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

15. 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.

16. All incidents will be recorded in an incident logbook kept at the premises. All incidents of crime and disorder will be reported to the Police.

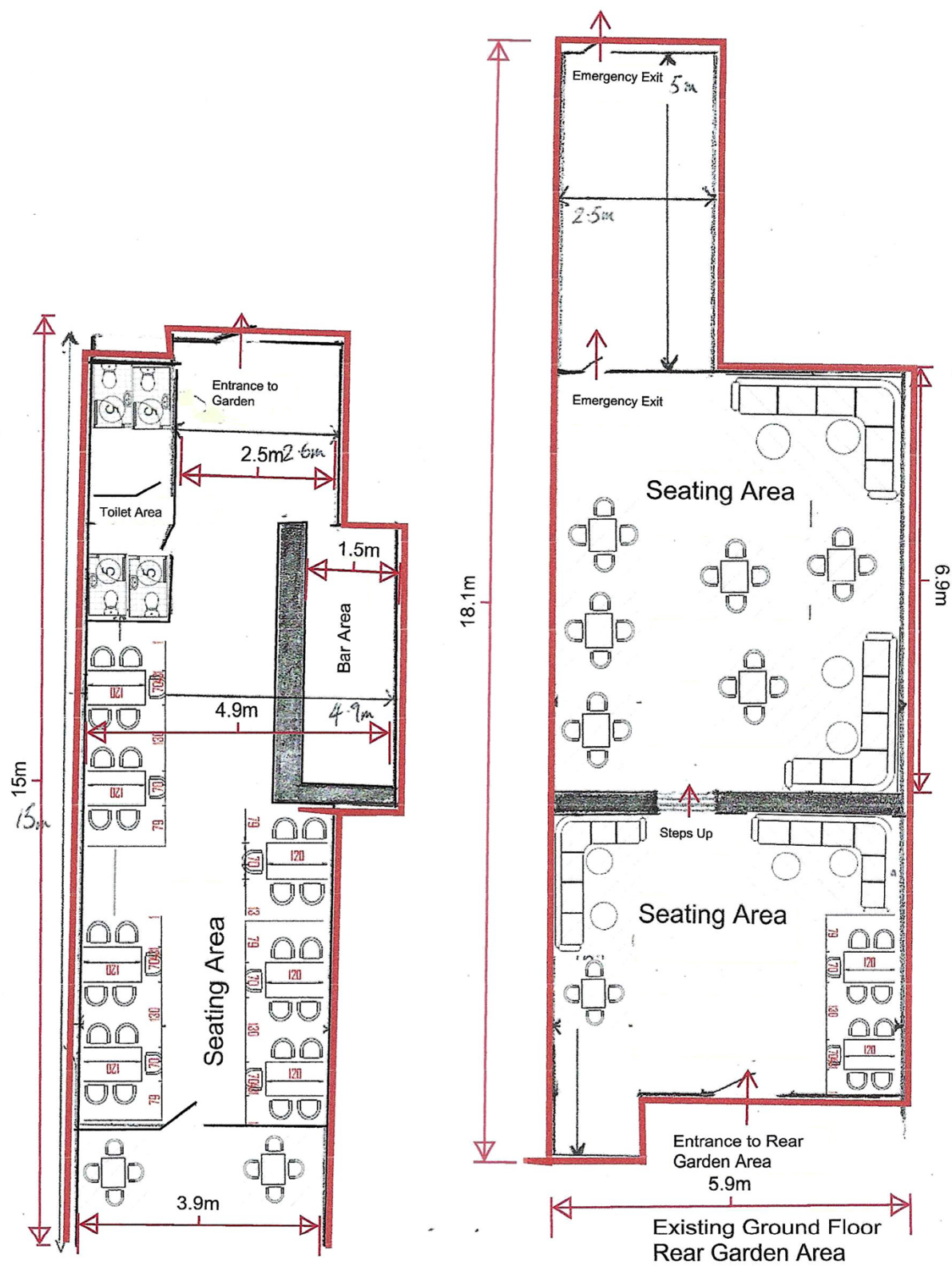
17. CCTV to be maintained and correctly operated. Footage will be kept for 31 days.

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

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

19. The service of drinks to customers in the rear garden area shall cease at 22:30 hours and no customer shall be allowed to use the rear garden area of the premises after 23:00 hours.

Annex 4 – Plans



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 premises 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.

Annex 3



London Borough of Enfield

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We TOTO LOUNGE & BAR LIMITED
(Insert name(s) of applicant)

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

Premises licence number

LN / 202200 287

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description

74 ALDERMANS HILL

Post town

LONDON

Postcode

N13 4PP

Telephone number at premises (if any)

Non-domestic rateable value of premises

£

Part 2 – Applicant details

Daytime contact
telephone number

E-mail address

Current postal address if
different from premises
address

74 ALDERMANS HILL

Post town

LONDON

Postcode

N13 4PP

Part 3 - Variation

Please tick as appropriate

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

☒ Yes☐
No

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

DD		MM		YYYY			

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

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

- 2) I would like the name of the premises on the licence to be changed to "Tray's Lounge"
- Hours open extended until 00:30 closing time all days of the week and
- Hours supplying alcohol to be extended to 00:00 all days of the week.

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

Part 4 Operating Schedule

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

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

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

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

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

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for performing plays (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings</u> 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 (please read guidance note 7)		
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 8)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 8)			Please give further details (please read guidance note 5)
Day	Start	Finish	
Mon			
			State any seasonal variations for indoor sporting events (please read guidance note 6)
Tue			
Wed			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 (please read guidance note 7)
Thur			
Fri			
Sat			
Sun			

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 8)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for boxing or wrestling entertainment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 4)	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 5)		
Tue					
Wed			State any seasonal variations for the performance of live music (please read guidance note 6)		
Thur					
Fri			<u>Non standard timings</u> Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input 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 5)		
Tue					
Wed			<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the performance of dance</u> (please read guidance note 6)		
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 7)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 8)			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 4)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<u>Please give further details here</u> (please read guidance note 5)		
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 6)		
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 7)		
Sun					

1

Late night refreshment Standard days and timings (please read guidance note 8)			<u>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	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 5)		
Tue					
Wed			<u>State any seasonal variations for the provision of late night refreshment</u> (please read guidance note 6)		
Thur					
Fri			<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 7)		
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 8)			Will the supply of alcohol be for consumption – please tick (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>			
				Off the premises	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 6)					
Mon	10:00	00:00						
Tue	10:00	00:00						
Wed	10:00	00:00						
Thur	10:00	00:00				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 (please read guidance note 7)		
Fri	10:00	00:00						
Sat	10:00	00:00						
Sun	10:00	00:00						

K

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

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon	8:00	00:30	<p>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 (please read guidance note 7)</p>
	6:30	00:30	
Tue	6:30	00:30	
Wed	6:30	00:30	
Thur	6:30	00:30	
Fri	6:30	00:30	
Sat	8:00	00:30	
Sun	8:00	00:30	

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

Please tick as appropriate

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



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

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

Checklist:

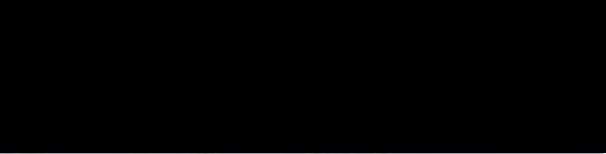
Please tick to indicate agreement

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

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

Part 5 – Signatures (please read guidance note 12)

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

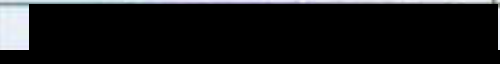
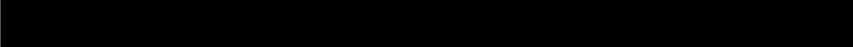
Signature	
Date	20 - 02 - 23
Capacity	AGENT

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

Signature	
Date	
Capacity	

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

ADM TRAINING SERVICES
8 OXFORD ROAD

Post town	HARROW	Post code	HA1 4JF
Telephone number (if any)			
E-mail address			

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

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

we will not be ~~not~~ taking any additional steps
as current objectives should still apply

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm



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:

Troy's Lounge & Bar Ltd, 74 Aldermans Hill, LONDON, N13 4PP.

Type of Application:

Variation of 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 variation application requesting the name of the premises to be changed to Troy's Lounge from Toto's lounge and to extend the times of the activities as detailed below.

Activity	Current Times	Proposed Times
Supply of Alcohol (on supply only)	Monday-Sunday 10:00-23:30	Monday-Sunday 10:00-00:00
Opening hours	Monday-Friday 06:30-00:00 Saturday & Sunday 08:00-00:00	Monday-Friday 06:30-00:30 Saturday & Sunday 08:00-00:30

I wish to make representation on the following:

- **Prevention of Nuisance**
- **Prevention of Crime and Disorder**

The premises is situated in a heavily residential area and the Licensing Authority believes that the proposed timings will have a detrimental impact on local residents, particularly those residing in the flats above and along the commercial parade. There is a higher risk of greater noise nuisance from customers smoking outside and/or on dispersal of the premises at the later hour.

There have been several complaints regarding noise/loud music since the business changed hands and transferred to the current Premises Licence Holders. These complaints are summarised below

Monday 3 October 2022 at 23:22, residents witnessed music being played for customers in the outside area.

31 October 2022 from 7:30pm until close of business, further complaints received regarding loud music with specific reference made regarding the rear area of the premises. Also complaints regarding cars stopping on Aldermans hill, holding up traffic to speak to customers outside the premises

30th November another noise complaint received advising of loud music which continued until approximately 23:30. Also advised that a 'chimney' has been installed to the rear room to allow smoke to dissipate.

6th December 2022, officers witnessed several customers smoking in the rear room. Ashtrays were also being provided to customers.

31st March 2023, officers witnessed several customers smoking in the rear room. Ashtrays were again being provided to customers.

Diary sheets submitted by complainants also suggest 9 instances of noise disturbance from 4/8/22 to 31/10/22, all of which arose following the application for a new Premises Licence and occurred under the management of the current Premises Licence Holder.

The Licensing Authority are also concerned that repeated breaches of the Health Act 2006, as the premises licence holder/management have continued to allow smoking in a smoke free premises despite several warnings. The continued breaches undermine the licensing objective with regards to the Prevention of Crime and Disorder, as allowing smoking in a smoke free premises is a criminal offence. The repeated breaches also demonstrate that the premises licence holder is not competent to ensure compliance with current legislation and guidance.

Taking all this into consideration, the Licensing Authority object to application for the proposed increase to the opening hours and hours for the supply of Alcohol, as it is not deemed appropriate and does not support the licensing objectives. There are no objections with regards to the proposed change of premises name.

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

Duly Authorised: Victor Ktorakis, Senior Environmental Health Officer

Contact: [REDACTED]

Signed: VKTORAKIS

Date: 6/4/2023



Licensing Authority
Licensing Team
Environment & Operational Services
Place Directorate
Enfield Council
Silver Street
Enfield
EN1 3ES

Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW
PC Justyna Golota 2211NA
www.met.police.uk

17/03/2023

POLICE REPRESENTATION
TROY'S LOUNGE
74 ALDERMANS HILL, LONDON N13 4PP

Dear Sir/Madam,

I write on behalf of the Commissioner of the Metropolitan Police. I would like to object to the recently submitted application to Vary to a licence for the premises of 74 ALDERMANS HILL, LONDON N13 4PP.

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

- Prevention of crime and disorder
- Prevention of public nuisance

Applicant is requesting the following changes:

Name to be changed to TROY'S LOUNGE – police have no objections in relation to this request.

Applicant also requests opening hours to be extended on the closing time, and sale by retail of alcohol hours also to be extended.

OPENING HOURS:

Monday to Friday: 06:00 – 00:30

Saturday to Sunday: 08:00 – 00:30

SALE OF ALCOHOL:

Monday to Sunday: 10:00 – 00:00

Currently the premises licence allows the following:

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:

Open to the Public - Whole premises

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

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

The premises is located on the main street, amongst a parade of shops, with flats directly above.

Having read and considered the application, police would like to make a representation for the new Premises Licence application for TROY'S LOUNGE 74 ALDERMANS HILL, LONDON N13 4PP.

Police believes that the proposed timings will negatively impact on the community and residence directly neighbouring the premises.

Taking under consideration the location of the premises, being directly beneath residential flats, the nature of the premises and proximity to public transportation police believes that the operational hour and times of the licensable activity, namely sale of alcohol, would have a negative impact if variation of hours requested by the applicant would be granted.

Police therefore proposes the following time adjustment to the application:

Open to the Public - Whole premises

Sunday:	08:00 - 23:30
Monday:	06:30 - 23:30
Tuesday:	06:30 - 23:30
Wednesday:	06:30 - 23:30
Thursday:	06:30 - 23:30
Friday:	06:30 - 00:30
Saturday:	08:00 – 00:30

Supply of Alcohol

Sunday:	10:00 - 23:00
Monday:	10:00 - 23:00
Tuesday:	10:00 - 23:00
Wednesday:	10:00 - 23:00
Thursday:	10:00 - 23:00
Friday:	10:00 - 00:00
Saturday:	10:00 - 00:00

Police believes that above restriction relating to the opening hours and sale of alcohol, on the week days in comparison to weekends will prevent nuisance and antisocial behaviour related to drinking, and will reduce/restrict noise pollution to the local residence. Also adding 30 minutes between last sale of alcohol and closing time is a good practice, protecting the applicant and premises from potential breaches of the licence in the future.

Furthermore, taking under consideration that already existing licence held by the premise is dated 12th FEBRUARY 2018 police propose the following warding to be added to the licence replacing current CCTV conditions:

- 1) A digital CCTV system recommended to be installed in the premises complying with the following criteria:
 - (a) Camera(s) must be sited to observe the entrance doors from both inside and outside.
 - (b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if onsite.
 - (d) Provide a linked record of the date, time of any image.
 - (e) Provide HD digital quality images in colour during opening times.
 - (f) Have a monitor to review images and recorded quality.
 - (g) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (h) Member of staff trained in operating CCTV at venue during times open to the public.
 - (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within seven (7) days to Police on request.
- 2) An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:
 - (a) all crimes reported to the venue
 - (b) all ejections of patrons

- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

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

4) 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.

5) A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

If the above listed conditions were accepted in full by the applicant, I would withdraw my representation.

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

On behalf of Police Licensing
With regards,

Police Constable Justyna GOLOTA 2211NA

Licensing Officer

Metropolitan Police Service, North Area BCU (*Enfield & Haringey*)

Edmonton Police Station, 462 Fore Street, N9 0PW

NAMailbox-.Licensing@met.police.uk

  Enfield  Haringey

Other Parties Representation – Troy's Lounge**IP1 Representation (of Grovelands Road):**

I wish to make an objection under Prevention of Crime & Disorder and Public Nuisance. The area is residential and also a conservation area and I don't consider late night continuous licensing past midnight is appropriate for the following reasons.

The current hours finish at 23:30 for the sale of alcohol and refreshments. If the hours are extended by a further hour then there is a greater likelihood of increased noise and disturbance to residents. Increased consumption of alcohol also means a greater possibility of crime and disorder in the area. We are already experiencing high levels of anti-social behaviour as a direct result of another cafe in the area that does not serve alcohol, Sweet Life.

If you grant this license to Troy's then similar bars and cafes nearby will seek to do the same. I think a reasonable compromise would be an extension of the license for weekends only subject to limitations on noise.

Annex 6

Conditions arising from the Variation Application

Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. 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.
3. 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.
4. A 'Think 25' proof of age scheme shall be operated, and relevant material shall be displayed at the premises.
5. 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.
6. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.
7. 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.
8. At least 2 members of staff shall be present on the premises between 19:00 until closing.
9. 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.

10. Staff shall actively discourage patrons from congregating around the outside of the premises.

11. 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.

12. 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.

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

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

15. 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.

16. All incidents will be recorded in an incident logbook kept at the premises. All incidents of crime and disorder will be reported to the Police.

17. CCTV to be maintained and correctly operated. Footage will be kept for 31 days.

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

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

19. The service of drinks to customers in the rear garden area shall cease at 22:30 hours and no customer shall be allowed to use the rear garden area of the premises after 23:00 hours.

IF LICENSING SUB-COMMITTEE ARE MINDED TO GRANT THE VARIATION IN FULL OR IN PART, THE POLICE SEEK THE FOLLOWING CONDITIONS (NOT AGREED BY APPLICANT):

Remove existing Condition 17 and replace with Condition A below:

A. A digital CCTV system shall be installed in the premises which shall comply with the following criteria:

- (a) Camera(s) must be sited to observe the entrance doors from both inside and outside.
- (b) Camera(s) on the entrance must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
- (c) Camera(s) must be sited to cover all areas to which the public have access, excluding toilets if onsite.
- (d) Provide a linked record of the date, time of any image.
- (e) Provide HD digital quality images in colour during opening times.
- (f) Have a monitor to review images and recorded quality.
- (g) Be regularly maintained to ensure continuous quality of image capture and retention.
- (h) Member of staff trained in operating CCTV at venue during times open to the public.
- (i) Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within seven (7) days to Police on request.

Remove existing Condition 16 and replace with Condition B below:

B. An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:

- (a) all crimes reported to the venue
- (b) all ejections of patrons
- (c) any complaints received
- (d) any incidents of disorder
- (e) seizures of drugs or offensive weapons
- (f) any faults in the CCTV system or searching equipment or scanning equipment
- (g) any refusal of the sale of alcohol
- (h) any visit by a relevant authority or emergency service.

Remove existing Condition 2 and replace with Condition C below

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

NB. The other two conditions presented in the Police representation are identical to existing Conditions 3 and 4 above so have not amended/included in this list.

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