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LICENSING SUB-COMMITTEE

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Wednesday, 7 February 2024 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors: Mahym Bedekova (Chair), George Savva, and Chris Dey.

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATIONS OF INTEREST

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 - 14)

To receive and agree the minutes of the meetings held on Wednesday 4 October 2023 and Wednesday 11 October 2023.

4. THE HYDE ARMS, PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB (Pages 15 - 118)

Application to review a premises licence.

5. THE FOX PH, 413 GREEN LANES, LONDON, N13 4JD (Pages 119 - 216)

Review Application.

6. 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 - 4.10.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 4 OCTOBER 2023****COUNCILLORS**

PRESENT Mahym Bedekova (Chair), Sinan Boztas and Jim Steven

OFFICERS: Ellie Green (Licensing Team Manager), Charlotte Palmer (Senior Licensing Enforcement Officer), Catriona Mcfarlane (Legal Adviser), and Harry Blake-Herbert (Governance Officer).

Also Attending: Cllr Gina Needs (Bowes Ward Councillor and Cabinet Member for Community Safety & Cohesion), Dani Jones (Police Sargent Licensing), Derek Ewart (Police Officer), and Adey Wilkins (Police Officer).

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting.

Apologies for absence were received from Cllr Sabri Ozaydin who was substituted by Cllr Sinan Boztas.

The sub-committee agreed to delay the start of the meeting by 5 minutes, to allow the licence holder the opportunity to be present if running late.

2 DECLARATION OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

3 EXCLUSION OF THE PRESS AND PUBLIC

AGREED in accordance with the principles of Section 100(A) of the Local Government Act 1972 to exclude the press and public from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7 of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

4 PART 2 AGENDA**5 LUXE LOUNGE - 6 GREEN LANES, LONDON N13 6JR**

NOTED:

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That the discussion regarding this item was undertaken in Part 2.

The Licensing Sub-Committee RESOLVED that in order to promote the licensing objectives the appropriate course of action required was to revoke the licence.

The Chair made the following statement:

“The Licensing Sub-Committee (LSC) have read all the papers & listened carefully to all that has been said by the parties attending this hearing.

The LSC has not held it against the premises licence holder that they are not here today. However, they were not here to offer any explanation of the events we have been told about.

The LSC note that the premises licence holder has been extremely poor in complying with licensing legislation and the terms and conditions of his premises licence, such as:

1. They have not provided an up-to-date plan,
2. They removed the CCTV when it is a condition that they have it,
3. They have been open for later hours than is permitted under the licence,
4. They had tables and chairs outside the premises when they did not have a licence,
5. Gambling machines that they weren't allowed to have,
6. Serving alcohol without food,
7. They have only recently paid their 3 years overdue licence fees.

The LSC believes that it is not appropriate for the premises licence holder to have a premises licence as they are not prepared to comply with it.

The LSC also feels that it is appropriate to revoke the pavement licence.

A Closure order had been sought by the Metropolitan Police Service (MPS) following a murder in close proximity to the premises, and is believed to be in connection with the premises and those running the premises. The MPS were granted a closure order for 3 months, and they can apply for a further 3 months extension.

The LSC also took into account Cllr Needs' representations made about the ongoing complaints about public safety and public nuisance caused by the premises that she has received from residents of her ward.”

The Chair thanked everyone for their time and the meeting ended at 11:43am.

LICENSING SUB-COMMITTEE - 11.10.2023

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 11 OCTOBER 2023**

COUNCILLORS

PRESENT Mahym Bedekova (Chair), Sabri Ozaydin and Michael Rye OBE

OFFICERS: Ellie Green (Licensing Team Manager), Victor Ktorakis (Senior Environmental Health Officer), Tayo Hasan (Legal Adviser), and Harry Blake-Herbert (Governance Officer).

Also Attending: Cllr Tom O'Halloran (Oakwood Ward Councillor), Cllr Julian Sampson (Oakwood Ward Councillor), Mrs Dina Balaj (Designated Premises Supervisor (DPS)/owner of Bramleys Restaurant), Mr Tamas Juhasz (Manager at Bramley's Restaurant), and an interested party.

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received.

2 DECLARATION OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

3 MINUTES OF PREVIOUS MEETING

AGREED the minutes of the previous Licensing Sub-Committee meeting held on Wednesday 13 September 2023.

4 BRAMLEYS RESTAURANT, 217 BRAMLEY ROAD, LONDON, N14 4XA

On 7 August 2023, a new premises licence application was submitted to Enfield's Licensing Team, again naming Bramleys Restaurant Ltd as the Premises Licence Holder (PLH) and Mrs Dina Balaj as the proposed Designated Premises Supervisor (DPS).

NOTED:

1. The introduction by Ellie Green, Licensing Team Manager, including:
 - a. On 2 December 2020, a new premises licence (LN/202000261) was issued to Bramleys Restaurant Ltd, Company number 12922450,

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registered office address 217 Bramley Road, London, United Kingdom, N14 4XA. Mrs Dina Balaj has been the Company Director since 2 October 2020. This premises licence, which was not subject to any outstanding representations, was granted by officers in accordance with delegated powers. The named Designated Premises Supervisor (DPS) is Mrs Dina Balaj, and has held this position since the licence was first issued.

- b. No variation or other amendments have been made to the premises licence since it was issued, nor have the Licensing Team received any review applications in relation to this premises.
- c. The premises also holds pavement licence LN/202200023 which permits outdoor tables and chairs on the highway outside the premises, between 10am and 6pm daily.
- d. The activity and times permitted by Premises Licence (LN/202000261) are outlined in the report pack.
- e. On 7 August 2023, a new premises licence application was submitted to Enfield's Licensing Team, again naming Bramleys Restaurant Ltd as the PLH and Mrs Dina Balaj as the proposed DPS.
- f. An extension to licensable activity, including music and alcohol and late-night refreshment, sought in the new premises licence application was from what was 23:00 in the existing licence to 01:00 Sunday to Wednesday, and Thursday to Saturday from 23:30 previously to 01:30 with a 02:00 close, as outlined in the report pack.
- g. Bramleys Restaurant was described as being the last premises along the parade, which featured a mix of premises. The latest opening hours of these premises according to their licence was said to be 24 hours, but according to google searches of their actual closing hours showed that the latest time used was midnight, including alcohol and music. Residential flats were said to be above the premises, and there were residential streets leading off from each end of the parade.
- h. Each of the Responsible Authorities were consulted in respect of the application.
- i. The application form states that premises licence (LN/202000261) will be surrendered, should the new application be granted.
- j. The Licensing Authority object to this new application in full, and seek modified conditions as well as a reduction in the hours sought, as outlined in the report pack. This representation was submitted based on the protection of children from harm; prevention of public nuisance and prevention of crime and disorder licensing objective.
- k. Representations were received from Enfield Licensing Authority, and 44 objections from Other Parties, including local councillors and residents, and were based on all four of the licensing objectives. Other parties were referred to as OP1, OP2 etc., and live in a range of nearby residential streets in proximity to the premises, as outlined in the report pack. A copy of all representations are provided in the report pack.
- l. The number of objections/representations received on the application was said to be a high in volume relative to what would be typically received for this type of application. The objections included that the

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hours sought were too late for a residential area, that issues were already being experienced with customers leaving the premises at the existing time and these would only be exacerbated at a later hour. The Ward Councillors were said to be speaking on behalf of 14 different residents/other parties.

- m. The applicant had not responded to these representations.
- n. The Licensing Authority had requested modification to the licence conditions offered in the operating schedule of the application, should the Licensing Sub-Committee grant the licence in full or part. The conditions arising from this application were produced in the report pack. The applicant had not previously indicated agreement to the modified conditions sought by the licensing authority.
- o. Those in attendance were introduced, the order of representations was outlined, and all parties would have a limit of 5 minutes to speak.

2. Mrs Dina Balaj, Bramleys Restaurant owner/DPS, made the following statement:

- a. The agent who had been working on the application was said not to have been available for the day of the hearing, and the owner/DPS had been disappointed by the job they had done.
- b. The owner was shocked by the number of complaints received, and had not directly received any complaints themselves. Some of the complaints they felt were not a reflection of them but other premises.
- c. They had done their best to recruit/provide employment to at least 10 local people, but were struggling to give them hours due to the lack of trade/business they were experiencing. Most days were said to be very quiet, they opened usually 5pm Monday-Thursday but did not usually have bookings until 8:00/9:00pm.
- d. It was described that the new application was not intended to turn the premises into a night club.
- e. When customers had been asked to leave at 11:00/11:30pm on Fridays and Saturdays, they were said not to be happy, thus wanted to apply for an extension. Customers had also asked live music/ a DJ at weekends, thus they wanted to apply/ listen to this demand.
- f. The premises was described as being well sealed, with two lower ceilings. They were said not to get complaints from residents living in the surrounding premises about the music/noise. They explained that they had conducted a test whereby they turned the music up, went outside and could not hear it.
- g. They were said not to need a closing time extension during the week, and that they only wanted later times on weekend nights.

3. In response, the following comments and questions were received:

- a. Cllr Rye asked what arrangements were in place to encourage customers to leave the premises quietly. Mrs Balaj responded that they had a notice on display at the door, and a member of staff would

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- remind all customers to leave quietly. Customers wanting to go out for a cigarette were also said not to be allowed to take their drinks outside.
- b. Cllr Rye queried what additional measures were being put in place to further reduce the impact of noise from music. Mrs Balaj replied that the premises had no window access, the doors were shut as much as possible, if the music was loud, they could enforce that customers don't leave the premises for cigarettes, and were already encouraging them to do this quietly. A basement area was expressed as being an area that could be used for music, as opposed to the main dining area and the internal doors could be shut.
 - c. Cllr Ozaydin asked how many people the basement area could accommodate and how the number of people accessing this area would be controlled. Mrs Balaj said that about 30 people could be accommodated in the basement area, and that this number could be controlled by imposing a minimum spend, and monitoring the amount/number of drinks for tables. A pre-booking requirement for music was said to be an option, as was a door person to monitor the areas. A time limit and staggering of bookings were said to be ways of ensuring the music did not disturb customers who didn't want to listen to it. The manager added that the total capacity for the premises was 80 covers, that reservations could be used for controlling the downstairs area, that no walk-in customers would be welcome, that they would not allow the basement area use to exceed capacity and that this could be made clear in any promotional information shared on social media.
 - d. Cllr O'Halloran enquired whether recorded music/ a DJ were being used at the premises. Mrs Balaj confirmed that both had been used. Ellie Green added that because the premises were permitted on licence alcohol sales, they were automatically entitled to play music between 8:00am and 11:00pm.
 - e. Cllr O'Halloran queried what the basement area was currently used for. Mrs Balaj responded that it was used for diners, particularly larger groups, as the internal doors could be shut so as to not disturb other customers.
 - f. Cllr O'Halloran asked how often the premises held private hire events. Mrs Balaj replied that they had not hired the whole venue, but the basement area they had done, and at present this was the only way to keep the business profitable.
 - g. Cllr O'Halloran queried how many times a month the basement area was being hired out. Mrs Balaj responded that it was usually on Fridays and Saturdays, about 2-4 times a month.
 - h. Cllr O'Halloran enquired whether the premises currently employed doormen to control access. Mrs Balaj said that they did not, but that staff welcomed and lead customers out.
 - i. Cllr O'Halloran asked what steps were currently being taken to disperse customers leaving. Mrs Balaj replied that there was a notice on display and a member of staff would be at the door, and remind customers to leave quietly. When the last drinks were served staff

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would remind customers, they had half an hour before closing. She felt customers did not loiter outside and the assumptions made in some of the complaints did not relate to the premises. It was said that they explained to customers that there was not parking arrangements, that just because cars were parked in the nearby roads/streets did not mean that they were customers at the premises, and that most customers visiting the premises did not drive themselves.

- j. Cllr O'Halloran queried if the premises intended to have a cover charge for customers who wanted to access the venue for a drink and if they intended to have doormen. Mrs Balaj and the premises manager said that they did not intend to introduce a cover charge, and that they were looking to employ door men if it helped on the busier/later nights.
- k. Cllr O'Halloran enquired if an extension to hours were granted, would they intend to hire the venue out for more private, or self-music event. Mrs Balaj said that they did not intend to do this any more than they do at present, that their intention had not been for private hire events, but that for financial reasons, they had needed to. Mrs Balaj explained that they would look for musicians to perform live, after customers had asked for this.
- l. Cllr O'Halloran asked them to confirm that they were only looking to use the premises late night on Fridays and Saturdays, which Mrs Balaj confirmed.
- m. Cllr O'Halloran queried what measures would be put in place to monitor/control those entering and leaving the premises. Mrs Balaj replied that at the moment, staff monitored customers coming in, that waiters kept an eye on who came in and out, and asked that they did not take drinks outside. The premises manager confirmed that it was not their intention to become a late-night bar/venue, that they did not sell bottles of drink, or drink without food. It was said that customers had not been leaving with drinks when smoking, and that their intention was to employ a doorman to control customers going in and out.
- n. Cllr O'Halloran enquired when the last admissions to the venue would be if it closed at 1:00/2:00am. Mrs Balaj and the manager advised that it would probably be between 11:00pm and midnight, to allow customers 2 hours to enjoy their time in the premises, and emphasised that drinks alone were not permitted.
- o. Cllr O'Halloran asked if they envisaged a queue line forming at the door. Mrs Balaj and the manager responded that they did not, that the booking system and kitchen size meant that they spread customers out, and even on their busiest days they did not have queues at present. They said they did not have walk ins but instead pre-booked tables.
- p. Cllr O'Halloran queried whether the venue could become known as a late-night drinking venue and a draw for those drinking elsewhere. Mrs Balaj and the manager replied that they did not agree, that it would be the job of a doorman to prevent drunk people from entering, and that at the moment this had not been an issue.

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- q. Cllr Rye enquired whether they were intending for the premises to become a late-night drinking venue or if it would stay a restaurant, and if drinks would only be served with food. Mrs Balaj and the manager confirmed the latter to be the case, and that a reservation fee with the booking would filter out those trying to walk in drunk. They added that late night refreshments would be provided.
- r. Victor Ktorakis, Senior Environmental Health Officer, asked if the proposed conditions were agreeable. Mrs Balaj said that she had sent an email in which they accepted the conditions, except the one regarding having a designated smoking area. It was explained that the premises had always had 3 designated smoking areas, that the licensing authority had suggested 1 smoking area for a maximum of 5 people and they did not feel this was enough. Ellie Green explained that staff smoking would not be included in the 5 people at a time being asked for, that they could use a separate area, and that the intention of the condition was to control the number of smokers becoming a nuisance at later times. A maximum of 5 people smoking at one was time was said to be proportionate compared to other premises of similar sizes. Victor Ktorakis asked if the condition was reworded to say that no more than 5 people should be allowed in the one designated smoking area after 9pm, would this be acceptable. Mrs Balaj and the manager felt that they could spread customers smoking out around the corner, Victor explained that the more areas/spread out customers smoking were, this increased the likelihood of a noise nuisance.
- s. Cllr Ozaydin asked if they would be willing to accept 1 designated smoking area accommodating a maximum of 5 people after 9pm. Mrs Balaj and the manager said that this would be acceptable.
- t. Ellie Green queried that there was no condition for alcohol with a table meal, and whether customers could come and buy just a drink. Mrs Balaj replied that in the past it had been just meals with drinks, that they were not the type of premises that would sell just alcohol, and wanted to stay a restaurant. They explained that they were a fine dining restaurant and had a policy that customers would not just have drinks. They said that they had been advised by their agent that they should and had loosely been following this as a guideline.

4. Victor Ktorakis, Senior Environmental Health Officer, made the following statement:

- a. The premises is located on the corner of the parade, with residential properties nearby.
- b. A noise complaint had been received in July 2023 relating to loud music from party night and noise of those leaving the premises which resulted in the issuing of a warning letter.
- c. The licensing authority is concerned that local residents may be disturbed by those entering and leaving the premises were the closing times extended into the early hours of the morning.

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- d. Observations on 3 September 2023 showed that some people noise was evident, and customers were still on the premises after the closing time.
 - e. An email received from the licence holder on 15 September 2023 showed that the CCTV worked, and the public space protection poster was now displayed.
 - f. On 29 September an officer requested a copy of some CCTV footage from the early hours of the 2 September 2023, following an allegation of noise issues being made during the application period, but the licence holder was unable to provide this.
 - g. In an email dated 30 September 2023, the premises licence holder confirmed that all of the conditions in the licencing authority representations, except for the one relating to the smoking area had been accepted. They also said that they would be happy with just an extra hour on Fridays and Saturdays, and asked that the applicant confirmed this, which they did.
 - h. Given the close proximity to the residential property and the recent noise complaint, the licensing authority objects to the hours applied for and instead recommend alternative times as shown in the representation.
 - i. The issue/condition regarding the smoking area had been agreed during discussions at the meeting.
5. Cllr Sampson, Oakwood Ward Councillor, made the following statement:
- a. The Councillors were speaking on behalf of 14 residents who had made objections, and these had emanated from roads directly affected by Bramleys.
 - b. Most of these objections were related to noise from the dispersal of clients following closing times, and were not speculative, but lived experience of residents now.
 - c. Shouting and driving noisily, were among the complaints received. It was accepted that not all of the complaints would stem directly from the customers at Bramleys, but that there were specific incidents cited where residents observed and took issue with the way Bramleys clients left the premises.
 - d. The representations of OP18 made reference to an incident on 2 September, in which clients of Bramelys were seen emerging from the premises, continuing their revelry; singing and dancing, and this was said not to be an isolated incident.
 - e. OP32s representation were also referenced, namely that the resident had made numerous complaints about noise late at night and disruptive behaviour, culminating in a call to the police.
 - f. OP34 had said in their representations that clients of Bramleys were seen singing, dancing, laughing, revving engines loudly, tooting horns and playing music, when leaving and that pictures of this had been taken and sent.

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- g. The visit of the licensing authority referred to talking loudly, metal clashing, doors slamming and lots of car noise.
- h. These issues were happening now, and it was felt that an extension to these hours would exacerbate these problems.
- i. Smoking outside the premises, and people turned away from the premises/ denied admission by doormen, would be further sources of disruption/ disturbance.
- j. The idea that residents sleep would be disturbed, particularly late at night and on the bank holidays requested was described as unacceptable.
- k. The committee were invited to reject the application on the basis that the current controls were failing to protect residents, the proposed conditions were not felt to be sufficient and would be difficult to enforce, and that unlike a town centre venue, Bramleys was located opposite Trent Park, thus customers could only disperse behind the restaurant, into the roads where residents had raised objections.

6. In response, the following comments and questions were received:

- a. Cllr Rye asked why no residents had been in to speak directly to the owner/ staff. Cllr Sampson responded that the complaints had been precipitated by the application, and noise outside the premises, which often tended to be a crystallisation of resident's discontent and unhappiness. There had been complaints made elsewhere, the local authority had visited, and the police had been called, and there was no reason to doubt the representations of residents.
- b. Cllr Ozaydin queried why the police had made no representations. Cllr Sampson replied that OP32 had said they had called 101 following unsociable behaviour outside the restaurant, but he did not know whether the Police attended.
- c. Mrs Balaj enquired why it was assumed that the issues/ complainants raised had emanated from their restaurant and not surrounding premises. She said that customers and staff waited inside the restaurant when waiting for vehicles to pick them up so as to avoid creating noise outside. Mrs Balaj asked why residents had not complained to them directly. The premises manager also asked if it was felt that the addition of a door monitor would be seen as a solution to control the noise issues. Cllr Sampson said that he could not answer that question.
- d. The Other Party present asked of the applicant if they were in their position, would they go to the premises to complain. Mrs Balaj apologised for the issues the resident may have experienced, and said that if they were not comfortable attending the premises, they could phone the manager directly to raise a complaint. She added that the premises were not trying to attract any particular age demographic of clientele.
- e. The Chair made the point that in many instances, residents may wish to avoid face to face confrontation. Mrs Balaj accepted this and said

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that they were happy to give residents the managers phone number, that the email address was on their website, and they would always try to resolve issues if it was their customers causing the issue. Cllr Ozaydin made the point that complaints did not always have to take place then and there at the time of an incident.

- f. The Chair asked when the manager of the premises was not present, who could be contacted to deal with any issues. Mrs Balaj and the manager of the premises responded that he was rarely absent from the premises, that on a recent day when he had not been present, a resident he had given his number to messaged him to say that there was a noise coming from the ventilation system, and within 5 minutes he had got staff to resolve the issue. He had made clear to staff that they could always contact him with issues, and on days when he was not present the assistant manager and owner would be at the premises.

7. The following closing summaries/ points were made:

- a. Ellie Green outlined the options available to Members of the committee to make, and directed them to the relevant guidance. It was reiterated that the applicant had agreed to reduce the hours sought, to an hour beyond what the present licence permitted and an hour less than what was sought in the new application. Members would need to be considered whether the potential imposition of an added condition for door supervisors to be required was realistic and proportionate, and a risk assessment was said to be an alternative. A potential last entry condition between 11:30 and midnight had also been mentioned, and wording for these could be provided. Parking and need/financial considerations were confirmed to not be permitted considerations under the licensing regime.
- b. Victor Ktorakis, Senior Environmental Health Officer, confirmed that he had nothing further to add.
- c. Cllr Sampson said that it was unlikely that the disruption residents had objected to emanated from Trent Park users; that residents' complaints had been corroborated by the licensing authorities report, and would be exacerbated by the extension sought in the application.
- d. Mrs Balaj added that were she to go on a night out herself to central London she would probably leave the car on a road in the area and go up on the tube. She said they that she had been shocked by the number of complaints received and that nobody had contacted them directly with any issues.
- e. Cllr Bedekova asked why CCTV had not been provided in the instance it had been asked for. Mrs Balaj said that she had missed the email from the licensing authority officer requesting this, and that by the time they checked, they could not see the footage from the time requested, but that later on in the day the footage had been requested for everything seemed quiet. She reassured them that if they called her,

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she could check earlier, so as to ensure that the footage did not disappear.

The Chair thanked everyone for their time and adjourned the meeting at 11:10, whilst the committee went away to deliberate. The Panel retired, with the legal adviser and committee administrators, to consider the application further, and then the meeting reconvened in public at 12:13.

The Chair reassured those in attendance that the decision reached by the sub-committee was agreed by all three members, but that Cllr Ozaydin had another engagement thus could not be present to be part of the presentation of the decision.

RESOLVED that:

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

- Licensing Hours and Activities:

Activity	Times determined by LSC
Opening hours	Sunday to Thursday: 08:30 – 23:00 Friday & Saturday and seasonal variations: 08:30 – 00:00
Supply of Alcohol (On sales only)	Sunday to Thursday: 08:30 – 22:30 Friday & Saturday and seasonal variations: 08:30 – 23:30
Late Night Refreshment	Sunday to Thursday: Not applicable (as starts at 23:00) Friday & Saturday and seasonal variations: 23:00 – 23:30
Recorded Music	Sunday to Thursday: Not applicable (as automatic entitlement during opening hours) Friday & Saturday and seasonal variations: 23:00 – 00:00
Live Music – basement floor only as marked on plan	Sunday to Thursday: Not applicable (as automatic entitlement during opening hours) Friday & Saturday and seasonal variations: 23:00 – 00:00

The Licensing Sub Committee have determined the following conditions shall apply;

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- (i) Conditions 1 to 22, 24 and 25 in accordance with Annex 5 of the LSC report;
- (ii) AND Conditions (a) to (g) below.
 - (a) On Sunday to Thursday, the last entry time for patrons is 22:00.
 - (b) On Friday, Saturday and seasonal variations, the last entry time for patrons is 23:00.
 - (c) Live music shall be restricted to the basement floor and only for those patrons who have booked online in advance. There cannot be admissions by door entry only.
 - (d) Alcohol shall not be supplied otherwise than to persons who have consumed a table meal at the premises.
 - (e) An external area at the front of the premises shall be designated for the use of smokers. There shall be no more than 5 persons using this designated area from 9pm.
 - (f) The designated smoking area shall be monitored by staff throughout its use to control the number and behaviour of patrons so as not to cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of residents/businesses and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area.
 - (g) Restaurant staff shall supervise the arrival and dispersal of guests to prevent noise nuisance.

The Chair made the following statement:

“After considering the papers and evidence provided to the Licensing Sub-Committee and having listened carefully from the applicant and hearing from the objections of the residents that were represented by their ward councillors Tom O’Halloran and Cllr Julian Sampson, the Licensing Sub-Committee have reached a decision.

The Licensing Sub-Committee was particularly mindful that Bramley Restaurant is located in close proximity to the residential area but having taken into account the licensing objectives, and provisions to mitigate the risk, the Licensing Sub-Committee were persuaded that the application can be granted in part following the applicant’s agreement to modify the conditions as proposed by the Local Authority and reduce the hours from the original application.”

The Chair thanked everyone for their time and the meeting ended at 12:18.

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MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
7 February 2024

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application to review a premises licence</p> <p>PREMISES : The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB</p> <p>WARD : Edmonton Green</p>	

1.0 LICENSING HISTORY & CURRENT POSITION:

- 1.1 On 24 November 2005, a premises licence conversion with variation application, which was not subject to any representations, was granted by officers in accordance with delegated powers (LN/200501812). The Premises Licence Holder (PLH) was Mr James Joseph Waters and the Designated Premises Supervisor (DPS) was Mrs Sharon Coss.
- 1.2 Premises licence LN/200501812 was transferred twice between 2005 and 2017, and there were also three vary DPS applications in this time.
- 1.3 An application to transfer the licence to the current PLH, Mr Mansur Duzgun, was submitted on 22 January 2018 along with an application to vary the DPS to Ms Re-Anne Cunsamy. The Police objected to the transfer application. See **Annex B/Appendix 1**.
- 1.4 A licensing hearing took place on 7 March 2018. The Police withdrew their objection to the transfer on the agreement that Mr Duzgun submit a minor variation to strengthen the licence conditions by 21 March 2018. At the hearing Mr Duzgun gave a verbal undertaking to do so. The transfer and vary DPS applications were both granted. See **Annex B/Appendix 2** for the Licensing Sub-Committee Decision Notice.
- 1.5 The full licensing report, decision and minutes can be found online here: <https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=12483&Ver=4>
- 1.6 The minor variation application to amend the conditions was submitted on 14 March 2018 and issued on 29 March 2018.
- 1.7 Since that hearing in 2018, three more Vary DPS applications have been granted. It is noted that Mr Mansur Duzgun (the PLH) was the named DPS between 11 March 2019 and 16 June 2023. His vary DPS application was not subject to any representations, therefore was granted by officers in accordance with delegated powers.

- 1.8 The current DPS is Ms Asen Sashev Asenov and has held this position since 16 June 2023. This vary DPS application was not subject to any representations, therefore was granted by officers in accordance with delegated powers.
- 1.9 On 21 December 2023, the Licensing Team received a transfer application for The Hyde Arms, by H&K Elite Limited, Company Director is Milanova Boginka Petrova. The transfer application was to take immediate effect. The Police objected to this application and a copy of their representation can be seen in **Annex A**. H&K Elite Limited subsequently withdrew this transfer application. As a result of this, the PLH reverts back to the previous PLH, namely Mr Mansur Duzgun.
- 1.10 Premises licence LN/200501812 has not been subject to any previous licence review or licence prosecution.
- 1.11 A copy of the current Premises Licence (LN/200501812) is attached as **Annex B**.

2.0 THIS REVIEW APPLICATION:

- 2.1 On 14 December 2023, application was made by the Licensing Authority for a review of the Premises Licence LN/200501812.
- 2.2 The review has been brought as the premises has been the cause of statutory noise nuisance, and providing music after permitted hours. Other unlawful activities have been witnessed at the premises and the prevention of crime and disorder and public nuisance licensing objectives have been undermined. The Licensing Authority lacks confidence in those persons named on the licence and those managing the premises. Full revocation of the premises licence is sought.
- 2.3 The review application, supporting documents and additional information are attached as **Annex C**.

3.0 REPRESENTATIONS

- 3.1 **Metropolitan Police:** The Police submitted a representation in support of the review. They support revocation of the premises licence based on the licensing objectives, namely crime and disorder and public nuisance licensing are not being met by the PLH. A copy of the Police representation is produced as **Annex D**.
- 3.2 **Premises Licence Holder:** The premises licence holder was provided with the review application. No response has been received at the time this report was being prepared (26 January 2024).

4.0 CONDITIONS

- 4.1 Conditions arising from this application, should the Licensing Sub-Committee decide not to revoke the premises licence can be found in Annex E.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

5.1 The paragraphs below are extracted from either:

5.1.1 the Licensing Act 2003 ('Act'); or

5.1.2 the Guidance issued by the Secretary of State to the Home Office of June 2014 ('Guid'); or

5.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

5.1.4 the Summary Review Guidance, Section 53A Licensing Act 2003 issued by the Home Office ('Summary').

General Principles:

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

5.3 The licensing objectives are:

5.3.3 the prevention of crime and disorder;

5.3.4 public safety;

5.3.5 the prevention of public nuisance; &

5.3.6 the protection of children from harm [Act s.4 (2)].

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

5.4.3 the Council's licensing policy statement; &

5.4.4 guidance issued by the Secretary of State [Act s.4 (3)].

Review:

5.5 In reviewing a licence the Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises, money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective. [Guid 11.24]

5.7 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of

any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them. [Guid 11.25]

5.8 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives and the prevention of illegal working in the interests of the wider community and not those of the individual licence holder. [Guid 11.26]

5.9 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for employing a person who is disqualified from that work by reason of their immigration status in the UK;
- for unlawful gambling; and
- for the sale or storage of smuggled tobacco and alcohol. [Guid 11.27]

5.10 It is envisaged that licensing authorities, the police, the Home Office (Immigration Enforcement) and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered. [Guid 11.28]

Decision - Review:

5.11 Having heard all of the representations (from all parties) the Sub-Committee must consider:

5.12 The steps the licensing authority can take are:

5.12.1 To modify the conditions of the licence;

5.12.2 To exclude a licensable activity from the scope of the licence;

5.12.3 To remove the designated premises supervisor;

5.12.4 To suspend the licence for a period not exceeding three months;

5.12.5 To revoke the licence [Act s.52].

5.13 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green licensing@enfield.gov.uk



Enfield Local Authority

Licensing Team
B Block South,
Civic Centre,
Silver Street,
Enfield,
EN1 3XA

Police Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW

PS Jones 618NA

tel 0 [REDACTED].

4th January 2024.

APPLICATION FOR A TRANSFER OF A PREMISES LICENCE.

THE HYDE ARMS, PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB

Premises Licence Number: LN/200501812

Dear Licensing Team,

This application is submitted by H & K Elite LTD, a limited company shown on companies' house under company registration number 14538343. The managing director of the company is shown as Boginka Petrova MILANOVA.

The premises is situated at 137 Victoria Road, N9 9BB and are currently being reviewed under Section 51 of the Licensing Act 2003 by the licensing authority due to a number of known issues and a history of non-compliance by Mansur DUZGUN, under the licensing objectives of:

- Prevention of crime and disorder
- Prevention of public nuisance

The premises have a catalogue of known licensing issues and a history of non-compliance, Crime related events and Noise Complaints all of which have been mentioned in the upcoming review. DUZGUN has had numerous interactions with both The Police Licensing Team and the Local Authority Licensing and Noise Nuisance Teams all of which despite advice having been given have resulted in no change in the miss management of the premises and continued breaches and lack of upholding of the licensing objectives.

Duzgun has for an extended period of time stated that he has left the management of the premises to third parties and has effectively endeavoured to distance himself from any breaches or mismanagement that has occurred. Evidence has shown on visits to the premises that staff there when asked who was running the premises have stated DUZGUN was responsible for the running of the premises yet was never actively running the premises

on a day to day basis having effectively sub-let to third parties effectively acting as a "front" in name only.

The current DPS of the premises has left the business and is no longer active in the business since 25/08/2023 when a cannabis factory was discovered at the venue.

Police have tried to make contact with the applicant on the application to transfer the licence named as H & K Elite LTD the director a female named as Boginka Petrova MILANOVA. Police have not been able to speak with the director of H & K Elite directly and each time have only been able to speak to Mr Enias Thanasi who stated that he lives at the Hyde Arms with his family. He answers the telephone number on the application. He intends to be the Manager/DPS going forward as this was told to Police on a phone call trying to reach the new applicant of this Transfer. Questions around intentions for use of the pub were asked of him and he stated he is planning for the premises to be a more traditional British pub serving beers and food. He was asked about H & K Elite Ltd and the fact it was listed as a cleaning company and possibly H standing for "hot" and K standing for "Kinky" he confirmed he understood the meaning of the word Kinky. He was adamant that there was no intention for any part of the building to be used for adult/sexual entertainment which could lead to Police being suspicious of this fact and a reasonable assumption from information held on companies' house. There is no evidence of this being fact at this stage but is a concern to Police. He said he wants to be able to offer traditionally cooked Italian pizza, and be able to offer charcoal cooked food.

Police are concerned that they have not been able to speak with the applicant /director directly and have been only able to deal with Mr Thanasi and also if the director Boginka Petrova Milanova is having nothing to do with the daily running of the business that she is putting her name forward in name only. However as the premises licence holder this comes with responsibility and being so in name only is not acceptable. She is legally responsible for how the premises is run as it's her company and name as director responsible for the actions of the premises not Mr Thanasi. If Mr Thanasi wants to run the premises he can apply to be the premises licence holder in his own name and right not do it through a family member that he states "wants to be involved".

Police and the local authority have attempted to work and engage with the current premises licence holder Mr Duzgan but this has not been received by him as intended and demonstrated by not replying to Police emails regarding plans for the premises going forward and Police found the premises to be operating with new persons when a noise abatement notice was in fact served in person by the local authority, not a good start to him engaging and working with us.

This premises licence transfer application Police feel is a way of trying to reflect from the premises being reviewed and an attempt to put a new premises licence holder forward in name only to negate this process. If this is not the case Police would welcome and require to see evidence to satisfy us of this suspicion and to allay our fears but there has been none offered by the applicant as contact has been attempted several times which has resulted in not being able to speak with the applicant directly only Mr Thanasi.

There is copious amounts of evidence that is available regarding the premises being run incorrectly and why the licence should be reviewed and revoked in its entirety hence the need for a review which Police are in support of completely by the local authority. We have given the current premises licence holder adequate chances to rectify this however he has not time and time again and now this current transfer application again demonstrates a diversion to the Licensing legislation.

Listed below are incidents that have occurred at the premises since they have been run by Mr Enias Thanasi who has told the local authority in person on the 18/11/2023 that he was now running the premises. This is evidence that nothing has changed and H & K Elite are in name only not actively going to be involved in the premises which is not what a premises licence holder should be demonstrating.

05/08/23 – Police discovered a cannabis factory above the licensed premises.

31/08/23 – Police Licensing Team held a meeting with Mr Duzgun at Edmonton Police Station about the premises. He advised that the DPS had disappeared. He said he had closed the business temporarily and was looking for a new DPS. It was agreed that Mr Duzgun would get back to the Police within 7 calendar days (7th Sept 23) with his proposals as to how he would turn the premises around. The Licensing Enforcement Team were sent a copy of an email sent to him following the meeting.

08/09/23 – The Police Licensing Team sent Mr Duzgun a chase up email as they had not heard from him since the meeting in person at Edmonton Police station on the 31/08/23.

19/09/23 – Mr Duzgun replied to the Police stating the premises was still closed and that he was in search of new tenants and intended to re-open the venue as a pub serving food. He stated that once he knew who his new tenant would be he would update the police regarding the DPS.

08/11/23 - Licence suspended due to unpaid annual fees since 16/8/23.

08/11/23 - Annual fee paid (the Premises Licence Holder had not notified the Licensing Team that the payment had been made as requested in reminder letter, however a search of all payments received did finally track the payment made on this date which was linked to the premises).

12/11/23 – Complaint made during the day regarding loud music coming from the premises. Complainant stated noise occurs evenings lasting till late night.

14/11/23 – Complaint regarding loud music coming from the premises during the day.

18/11/23 at 23:19 hours - Complaint received regarding loud music coming from the premises. Out of Hours Noise Officers visited at 23:34 hours which resulted in some thumping music audible from street. No statutory nuisance observed from complainant's living room. Slight thumping audible not very loud and not a statutory nuisance. 23:37 – observations from bedroom, thumping could be heard – a repetitive thump – part of the music. Very annoying but not a statutory nuisance. 23:42 – as officer went to leave PA system audible and music became very loud causing windows to vibrate. The officers visited the premises and met Mr Enias Thankasi who said he was the new tenant and it was his first day. The Premises Licence Holder was not on site which is Mr Duzgun. Level of music reduced whilst officers were on site. Officers left the premises and returned at 00:45 – music was very loud and could be heard as far as Tristram Drive N9. Noise Abatement Notice to be served.

20/11/23 – 20:50 Hours Complaint received in relation to loud music coming from the premises from 5pm until midnight on a weekday and from 5pm until the early hours of the morning (around 3am sometimes later) on the weekends.

20/11/23 22:07 Hours Complaint in relation to loud music, started at 6:30pm and ongoing. Likely to carry on until 2:00am possibly even 3 or 4am. Loud music, singing, shouting.

21/11/23 – As a result of the officer visit on 18th November 2023 Mr Mansur Duzgun, Ms Asen Sashev Asenov and Mr Enias Thanasi were all served Abatement Notices in respect of Statutory Nuisance under the Environmental Protection Act 1990. The notices related to amplified music and required them to abate the nuisance forthwith. They were each also served a Community Protection Warning under the Anti-Social Behaviour Crime and Policing Act 2014 as their conduct was seen to be having a detrimental effect on the quality of life of others in the locality.

24/11/23 – The Officer who issued the notices received a voicemail from Mr Thanasi advising that he had received the notice, was very sorry for the problem that had occurred and asking to speak to the officer about it. The officer spoke to Mr Thanasi and he repeated what he had said on the night, that he had just taken over the premises and that he was sorry it happened and it wouldn't happen again. He asked if there was anything he should do and was advised to keep the noise level down and not disturb the neighbours. He asked the officer to visit him at the premises to discuss the matter further. The officer advised they did not need to visit him. He asked if there was anything more he should be doing and the officer said no but advised that the Licencing Authority might want to review the premises licence.

25/11/23 – 23:01 – Noise complaint received at 23:47 hours – Local Authority Officers carried out observations outside premises, all quiet.

02/12/23 – Annual fee visit made to premises.

08/12/23 – Local Authority Noise Officer notified Senior Licensing Enforcement Officer that the notices sent to Mansur Duzgun were returned to sender as undeliverable. The officer confirmed that they were still deemed as served.

12/12/23 – Local Authority Senior Licensing Enforcement Officer phoned Mr Duzgun and left him a voicemail advising him that notices had been served and asking him to notify the Licensing Team of his change of address if he has moved. The officer advised that this is a legal required and that it is an offence under the Licensing Act 2003 if he does not notify the Licensing Authority of any such change. The officer also provided the noise officer with an email address for Mr Duzgun so they could email the notices to him. This email was sent on 12/12/23.

The home office revised guidance issued under Section 182 of the Licensing Act 2003 (December 2022)

Section 11.Reviews sub section 21 states:

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

Sub Section 22 Further states:

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

It is our belief that this application is designed to give the impression that the removal of the Premises licence holder and putting the licence in another licence holders name is to try to side line the issues that are going on at the premises and nothing will change and this is an attempt to distract from the pending review i.e. Give the impression it is "Under New Management", this would like wise give the impression that there is no further involvement with the old management /mismanagement practices. I would also like to point out that since Mr Thanasi has unofficially taken over the premises and been running it there has been no DPS at the premises as MR Duzgun had informed Police that the DPS had left since the cannabis factory was discovered therefore MR Duzgun and Mr Thanasi have been carrying out licensable activity without a DPS in place or a personal licence.

Police would therefore like to offer this representation to refuse the Premises licence transfer in its entirety under the licensing objective of Prevention of Crime and Disorder and Prevention of Public nuisance.

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

Regards,

PS Danni Jones
Police licensing team sergeant.

Licensing Act 2003



PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

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	12:00-23:00
Monday	11:00-23:30
Tuesday	11:00-23:30
Wednesday	11:00-23:30
Thursday	11:00-23:30
Friday	11:00-00:30
Saturday	11:00-00:30
Non-Standard Timings & Seasonal Variations	<p>St Patricks Day (if on Monday to Saturday) : 11:00 - 01:30 (if on a Sunday) : 12:00 - 01:30</p> <p>St George's Day : (if on Monday to Saturday) : 11:00 - 01:30 (if on a Sunday) : 12:00 - 01:30</p> <p>Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:30 (if on a Sunday) : 12:00 - 01:30</p>

	New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.
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Location	On and Off supplies
Activity	Supply of Alcohol
Sunday	12:00-22:30
Monday	11:00-23:00
Tuesday	11:00-23:00
Wednesday	11:00-23:00
Thursday	11:00-23:00
Friday	11:00-00:00
Saturday	11:00-00:00
Non-Standard Timings & Seasonal Variations	St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00 (if on a Sunday) : 12:00 - 01:00 St George's Day : (if on Monday to Saturday) : 11:00 - 01:00 (if on a Sunday) : 12:00 - 01:00 Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00 (if on a Sunday) : 12:00 - 01:00 New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.

Location	Indoors
Activity	Indoor Sporting Events
Sunday	12:00-22:30
Monday	11:00-23:00
Tuesday	11:00-23:00
Wednesday	11:00-23:00
Thursday	11:00-23:00
Friday	11:00-23:00
Saturday	11:00-23:00
Non-Standard Timings & Seasonal Variations	St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00 (if on a Sunday) : 12:00 - 01:00 St George's Day : (if on Monday to Saturday) : 11:00 - 01:00 (if on a Sunday) :

	<p>12:00 - 01:00</p> <p>Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00</p> <p style="text-align: right;">(if on a Sunday) : 12:00</p> <p>- 01:00</p> <p>New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.</p>
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Location	Indoors
Activity	Live Music
Sunday	12:00-22:30
Monday	11:00-23:00
Tuesday	11:00-23:00
Wednesday	11:00-23:00
Thursday	11:00-23:00
Friday	11:00-23:00
Saturday	11:00-23:00
Non-Standard Timings & Seasonal Variations	<p>St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00</p> <p style="text-align: right;">(if on a Sunday) : 12:00 - 01:00</p> <p>St George's Day : (if on Monday to Saturday) : 11:00 - 01:00</p> <p style="text-align: right;">(if on a Sunday) : 12:00 - 01:00</p> <p>Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00</p> <p style="text-align: right;">(if on a Sunday) : 12:00 - 01:00</p> <p>New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.</p>

Location	Indoors
Activity	Recorded Music
Sunday	12:00-22:30
Monday	11:00-23:00
Tuesday	11:00-23:00
Wednesday	11:00-23:00
Thursday	11:00-23:00
Friday	11:00-23:00
Saturday	11:00-23:00
Non-Standard Timings & Seasonal Variations	St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00

	<p>(if on a Sunday) : 12:00 - 01:00</p> <p>St George's Day : (if on Monday to Saturday) : 11:00 - 01:00</p> <p>(if on a Sunday) : 12:00 - 01:00</p> <p>Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00</p> <p>(if on a Sunday) : 12:00 - 01:00</p> <p>New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.</p>
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Location	Indoors
Activity	Facilities for Making Music
Sunday	12:00-22:30
Monday	11:00-23:00
Tuesday	11:00-23:00
Wednesday	11:00-23:00
Thursday	11:00-23:00
Friday	11:00-23:00
Saturday	11:00-23:00
Non-Standard Timings & Seasonal Variations	<p>St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00</p> <p>(if on a Sunday) : 12:00 - 01:00</p> <p>St George's Day : (if on Monday to Saturday) : 11:00 - 01:00</p> <p>(if on a Sunday) : 12:00 - 01:00</p> <p>Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00</p> <p>(if on a Sunday) : 12:00 - 01:00</p> <p>New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.</p>

Part 2

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

Name:	Mr Mansur Duzgun
Address:	[REDACTED]

Registered number of holder (if applicable):	Not applicable
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Name and address of designated premises supervisor (where the licence authorises the supply of alcohol):

Name:	Ms Asen Sashev Asenov
Address:	[REDACTED]

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

Personal Licence Number:	[REDACTED]
Issuing Authority:	London Borough of Enfield

Signed: [REDACTED]

Date: 5 July 2023

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



Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**

- 2. A digital CCTV system must be installed in the premises complying with the following criteria:**
 - (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.**
 - (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
 - (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
 - (4). Provide a linked record of the date, time, and place of any image.**
 - (5). Provide good quality images.**
 - (6). Operate under existing light levels within and outside the premises.**
 - (7). Have the recording device located in a secure area or locked cabinet.**
 - (8). Have a monitor to review images and recorded picture quality.**
 - (9). Be regularly maintained to ensure continuous quality of image capture and retention.**
 - (10). Have signage displayed in the customer area to advise that CCTV is in operation.**
 - (11). Digital images must be kept for 28 days.**
 - (12). Police or authorised local authority employees will have access to images at any reasonable time.**
 - (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**

- 3. Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees upon request. If the system is not working correctly then the licensing authority or the Police shall be informed immediately and steps made to have the problem fixed. No licensable activities shall be permitted to**

take place should the CCTV not be fixed 48 hours after the CCTV is found to not be working

4. All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.

5. The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.

6. A prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden.

7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.

8. Windows shall be closed by 22:00.

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

10. Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.

11. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

13. 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.

14. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be

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

15. Live music shall be limited to two performers.

16. The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

17. Children shall only be permitted on the premises if accompanied by an adult.

18. Children under the age of 14 shall not be permitted on the premises after 21:00.

19. Children under the age of 18 shall not be permitted on the premises after 23:00.

20. Noise from the premises shall not create a nuisance to local residents.

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

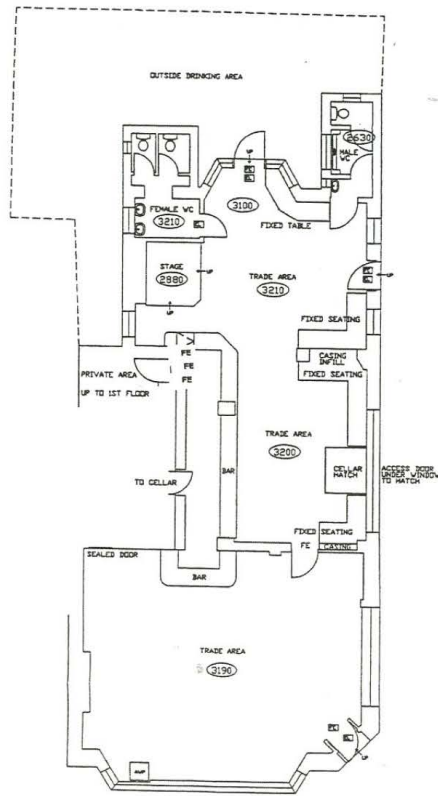
22. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

23. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

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

Not applicable

Annex 4 – Plans



		REV.	COMMENT	DATE
	Property Name Hyde Arms		LICENSING SURVEY PLAN	
Property ID 1216301/245	Address 137 Victoria Road Edmonton London N9 9BB		Date of Survey 04/08/04	Drng. Scale AS SHOWN

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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.

London Borough of Enfield

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I Charlotte Palmer, Senior Licensing Enforcement Officer-----

(Insert name of applicant)

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
The Hyde Arms Public House, 137 Victoria Road	
Post town	Post code (if known)
Edmonton	N9 9BB

Name of premises licence holder or club holding club premises certificate (if known)
Mr Mansur Duzgun

Number of premises licence or club premises certificate (if known)
LN/200501812

Part 2 - Applicant details

I am

Please tick ✓
yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	
Charlotte Palmer, Licensing Team B Block South, Civic Centre, Silver Street, Enfield, EN1 3XA	
Telephone number (if any):	██████████
E-mail address:	████████████████████

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

- | | Please tick one or more boxes
✓ |
|---|------------------------------------|
| 1) the prevention of crime and disorder | X |
| 2) public safety | |
| 3) the prevention of public nuisance | X |
| 4) the protection of children from harm | |

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

The prevention of public nuisance licensing objective has been undermined. An Abatement Notice has been served in relation to loud music coming from the premises. A large number of noise complaints have been received from local residents in relation to loud music.

Music has also been provided after the permitted licensed hours which is an alleged criminal offence. The prevention of crime and disorder licensing objective has therefore also been undermined.

The review application is to revoke the premises licence in its entirety as the Licensing Authority has no confidence in those running the premises.

Please provide as much information as possible to support the application (please read guidance note 3)**Premises Licence LN/200501812 – Background History:**

The licence currently permits the following activities:

Licensable Activity	Times
Opening Hours	11:00 – 23:30 Mon – Thurs 11:00 – 00:30 Fri – Sat 12:00 – 23:00 Sun
Sale of Alcohol (on & off sales)	11:00 – 23:00 Mon – Thurs 11:00 – 00:00 Fri – Sat 12:00 – 22:30 Sun
Indoor Sporting Events Live Music Recorded Music	11:00 – 23:00 Mon – Sat 12:00 – 22:30 Sun

There are also non-standard timings and seasonal variations for St Patricks Day, St Georges Day and Christmas Eve that allows the above activities to continue until 01:00 each day. In addition to this all the activities stated above can continue for 24 hours on New Years' Eve.

An application to transfer the licence to the current premises licence holder (PLH)- Mr Mansur Duzgun was submitted on 22/01/18 along with an application to vary the DPS to Ms Re-Anne Cunsamy. The Police objected to the transfer application. **See Appendix 1.**

A licensing hearing took place on 7th March 2018. The police withdrew their objection to the transfer on the condition that Mr Duzgun submit a minor variation to strengthen the licence conditions by 21 March 2018. At the hearing Mr Duzgun gave an oral undertaking to do so. The transfer and vary DPS applications were both granted. **See Appendix 2** for the Licensing Sub Committee Decision Notice.

The minor variation application to amend the conditions was submitted on 14th March 2018 and issued on 29th March 2018.

An application to vary the DPS to Miss Nanea Loredana Cristina was submitted on 23rd October 2018 and was issued on 9th November 2018.

An application to vary the DPS to Mr Mansur Duzgun was submitted on 11th March 2019 and was issued on 25th March 2019.

An application to via the DPS to Ms Asen Sashev Asenov was submitted on 16th June 2023 and was issued on 5th July 2023.

History since licence tranferred to current Premises Licence Holder

26/11/18 - 13:50 -14:20 – Full licence inspection carried out at request of Police Licensing Officer (CPX, KS). The following issues were discovered: Condition 2 - CCTV - time needed amending and was only recording for 19 days instead of the required 28 days. Condition 13 - Leave quietly poster not on display, Conditions 16 - Gate opens inwards instead of outwards.

03/03/19 – Complaint received from local residents alleging that the premises has been, for many years, playing loud music with customers shouting, arguing and sometimes even fighting until 2/3am sometimes even 5am. Also alleged doors are left open which makes the problem worse.

12/03/19 – Email sent to PLH – Mr Duzgun notifying him of the complaint and reminding him of the relevant conditions attached to the premises licence. **See Appendix 3.** Mr Duzgun replied saying he would investigate and asking for any specific dates. None were provided by the complainant.

28/06/19 – Business Rates advised the Licensing Team that there has been a new occupier at premises since 1/8/18 - Mr Hamed Kashef.

26/07/19 – Senior Licensing Enforcement Officer (CPX) visited the premises to see who was running the business. Staff advised Mansur Duzgun, who they know as Steve is still there as PLH and DPS and that Hamed Kashef is his business partner. No changes needed to licence.

04/05/21 – Complaint received alleging people are gambling in the basement of the premises. NB. Pubs are allowed to provide some gambling activities however there are strict limits. However, the basement is not part of the licensed area so no gambling is permitted in there.

07/05/21 – The Licensing Enforcement Team were copied in to an email discussion between Police teams discussing the need for a visit to the premises as it was alleged that old cannabis cultivation equipment had been found behind the premises and the rubbish had been linked to staff at the premises. The police had also received a call from a member of the public alleging gambling takes place in the premises. They had been told that there is a side door to the pub that leads downstairs and that this is where it takes place. Up to 50 people are believed to be there. Informant claimed that they had walked past the premises and could see into the lower level. They claimed to have seen the tables, alcohol and people down there (Police reference YERT00454380).

13/05/21 – 20:25 – Out of Hours Licensing Enforcement Officers (CLB) visited the premises to see if any gambling taking place. Premises was not open to the public. There were 4 males inside eating at a table and smoking. No owner or manager present. No evidence of the sale of alcohol. Unable to discuss gambling allegations.

21/05/21 – 23:45 - Out of Hours Licensing Enforcement Officers (EVG/JI) visited the premises to see if any gambling taking place. Officers entered premises through the side entrance as the front door looked closed. A band were seen to be clearing away their

things and putting equipment into nearby cars. There were no customers on the premises. The front of the premises was used as a restaurant, with small groups of tables. Staff were tidying up the remnants, lots of leftover food. The officers spoke to the person in charge. His English was not fluent. He confirmed that Mansur Duzgan was still the owner but was not present at that time. The officers advised that they had received an allegation of gambling on the premises. The manager stated it was his first night but that gambling did not take place. The manager showed the officers into the basement when requested. The entrance was through a door behind the bar. It was used as a storage room and the beer pumps, and restaurant dining furniture in there. There was no sign of it being used for gambling activity or for other licensable activities. It was confirmed by the manager that this was the only basement. No sign of any drug use, but no customers on site.

07/06/21 – Complaint received alleging

1. There are 22-30 people living at the premises in 7 rooms and 1 bathroom. There is only one way up to the accommodation and that it accessed via the inside of the pub. The men leave early in the morning leaving the woman and children there during the day.
2. The garage has been converted into a kitchen and takeaway food is collected from there. This is best approached from the back metal gate as otherwise they will just lock the garage and deny there is anything going on in there.
3. The premises is now trading more as a restaurant than a pub, usual customers have left as English customers are no longer welcome.
4. Gambling takes place upstairs and downstairs with gambling tables present in both areas.
5. Parties for 100s of people take place, music is loud enough to result in complaints from local residents.
6. The Premises Licence Holder / Designated Premises Licence Holder – Mr Mansur Duzgun (also know as Steve) is subletting the premises out to a [REDACTED] male called Denis. Denis claims not to speak English but he does.

At this time the person named as paying the business rates system was still Mr Hamed Kashef.

18.06.2021 – Out of Hours Licensing Officers (CT/VPK) visited the premises. There was a shelter in the rear yard that was more than 50% enclosed. The officers advised that the area could therefore not be used for smoking. The council was unaware that food was being prepared on the premises and it was clear that it was being so the officers advised that a food hygiene inspection would be arranged. DPS not on site.

23.08.21 – 20:24 - Complaint received alleging a party was taking place with loud music and lots of under 14's inside the premises, regular occurrence.

15.10.21 21:13 – Out of Hours Licensing Enforcement Officers (CT/VPK) carried out observations of the premises. The officers parked opposite William Hill, 141 Victoria Road which is 15-20 meeting away from the premise. Music could be heard when no traffic was passing. Bass was prominent and could be heard even when cars passing. No Anti Social Behaviour witnessed.

03/03/23 – Noise complaint received during the day about premises which at this time was trading as BG Restaurant. Loud music, shouting and people dancing until 3am.

06/06/23 - 23:56 – Complaint received alleging that at least 6 days a week, from around 4pm until 4am or 5am the next day residents are disturbed by loud music - trumpets, singing and loud voices coming from the premises.

09/06/23 – Complaint received during the day regarding loud music and customer noise until 4am in the morning.

10/06/23 – 01:34 – Noise complaint received regarding loud music coming from the premises. Out of Hours Noise Officers visited the premises at 02:00 and loud music was audible in the street. **ALLEGED BREACH OF LICENSED TIMES 1.** They entered the premises and saw a DJ playing music through large speakers. When asked to turn off the music he did so, however, no one at the premises appeared to know who was in charge or who had control over the premises. One of the officers also witnessed a female sniffing something off a plate which she quickly covered when she noticed the officer looking at her.

13/06/23 – Complaint received from local residents stating that they are disturbed by loud music coming from the premises 5 or 6 days a week from 4pm to 3 am, 4am even 5am the next day. Loud music, yelling, gongs and drums etc. They advised the noise affects their sleep and mental health.

14/06/23 – Senior Licensing Enforcement Officer (CPX) emailed the PLH and the person they believed to be the DPS and advised them of the complaints and what officers had witnessed. The officer also reminded them of the relevant licence conditions and advised them to consider the email as a warning as to future conduct. They advised that where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the premises licence. They were also advised that playing loud music can also result in a noise abatement notice being served, should the level of the music be deemed to be a statutory nuisance. They were asked to respond to the email and confirm the current trading name of the business, whether they were both still connected to the business and what the event on 10/06/23 was and who was in charge. **See Appendix 4.** This information was also shared with the Police Licensing Team. The person the officer believed to be the DPS contacted them and advised that they had left the business 3 years before. The officer therefore contacted the Premises Licence Holder and advised that a Vary DPS application should be submitted.

14/06/23 – Complaint received regarding loud yelling, loud music, high-pitched whistles after 11:15pm. Complainant alleges that the noise can be heard over 200 meters away from the premises.

14/06/23 – 21:19 – Complaint received regarding loud music coming from the premises on a daily basis from 8pm until midnight. The complaint advised a lot of parties take place and the doors are left open with at least 20 people outside smoking talking loudly, sometimes shouting and fighting. The also alleged the police had been called to the premises previously. The complaint advised [REDACTED] and the noise was affecting their mental health.

15/06/23 – On further investigation the Senior Licensing Enforcement Officer noticed that the Vary DPS application was submitted in 2019 making Mr Duzgun the DPS. The officer contacted the Premises Licence Holder again apologising for any confusion caused and confirming that he was the current DPS, reminding him that as DPS he was expected to have day to day control over the sale of alcohol at the premises. However an email was received from Mr Duzgun on 20/06/23 stating that Miss Nanea Loredana Cristina was the DPS during the recent event and that he would be submitting a vary DPS application as he had dismissed her following these issues. **See Appendix 5.** This contradicts previous information stated above.

16/06/23 – Vary DPS application submitted to via the DPS to Ms Asen Sashev Asenov.

16/06/23 – Complaint received during the day regarding loud music and shouting until 00:15am.

20/06/23 - Senior Licensing Enforcement Officer (CPX) notified Mr Duzgun of the complaints received on 14th and 16th June 2023.

23/06/23 – Complaint received regarding loud music coming from the premises. Video received from complainant showing the premises. Loud music was audible. The complainant also sent a screen shot of their phone showing the footage had been taken at 22:05.

24/06/23 – 01:30 – Complaint received alleging that the premises was still causing a noise nuisance – loud music, shouting and singing. They alleged the premises hold private events and the music has been going on since the early evening until the time of the complaint. **ALLEDGED BREACH OF LICENSED TIMES 2.**

24/06/23 - 01:55 – Complaint received regarding loud music. Resident claimed they are unable to open their windows on a hot night as the music will wake [REDACTED]. **ALLEDGED BREACH OF LICENSED TIMES 3.**

28/06/23 – 23: 55 – Complaint received regarding loud music, shouting and singing, The complainant stated that the issue happens at least 6 times a week and has been an issue for a year. **ALLEDGED BREACH OF LICENSED TIMES 4.**

30/06/23 – Safer Neighbourhood Police Officers visited the premises at around 19:30 hours. Following the visit they reported back to the Police Licensing Team and Council officers. They discovered that the premises is being used as a private hire space. On the outside it is advertised as ISIK BG RESTAURANT with a menu on the wall outside. The main entrance is closed and a side door is used to access the premises. On entering police stated there was one family sitting eating, a male identified himself as a staff member and said it was his family that were there eating. He explained that the premises is not open to the public and that they rent it out for private parties. When they do have a private party they do not host the party they just walk away and whatever happens, happens. The officers said that there was a stocked bar in the premises and massive speakers. The male advised that they have heard from the council and will be getting smaller speakers to reduce the noise.

30/06/23 Out of Hours Licensing Enforcement Officer (DWD/JF) visited the premises and from the outside no music was audible. They phoned one of the complainants as they had been tasked to do. The complainant alleged that the premises were closed as they were working very late the night before and that this is usual behaviour. They said the night before the music had been very loud and there had also been people noise.

05/08/23 – Police discovered a cannabis factory above the licensed premises.

31/08/23 – Police Licensing Team held a meeting with Mr Duzgun at Edmonton Police Station about the premises. He advised that the DPS had disappeared. He said he had closed the business temporarily and was looking for a new DPS. It was agreed that Mr Duzgun would get back to the police within 7 calendar days (7th Sept 23) with his proposals as to how he would turn the premises around. The Licensing Enforcement Team were sent a copy of an email sent to him following the meeting. **See Appendix 6.**

08/09/23 – The Police Licensing Team sent Mr Duzgun a chase up email as they had not heard from him. **See Appendix 7.**

19/09/23 – Mr Duzgun replied to the police stating the premises was still closed and that he was in search of tenants and intended to re-open the venue as a pub serving food. He stated that once he knew who his new tenant would be he would update the police regarding the DPS.

08/11/23 - Licence suspended due to unpaid annual fees since 16/8/23.

08/11/23 - Annual fee paid (the Premises Licence Holder had not notified the Licensing Team that the payment had been made as requested in reminder letter, however a search of all payments received did finally track the payment made on this date which was linked to the premises).

12/11/23 – Complaint made during the day regarding loud music coming from the premises. Complainant stated noise occurs evenings lasting till late night.

14/11/23 – Complaint regarding loud music coming from the premises during the day.

18/11/23 – 23:19 - Complaint received regarding loud music coming from the premises. Out of Hours Noise Officers visited at 23:34 - some thumping music audible from street. **ALLEGED BREACH OF LICENSED TIMES 5.** No statutory nuisance observed from complainant's living room. Slight thumping audible not very loud and not a statutory nuisance. 23:37 – observations from bedroom, thumping could be heard – a repetitive thump – part of the music. Very annoying but not a statutory nuisance. 23:42 – as officer went to leave PA system audible and music became very loud causing windows to vibrate. The officers visit the premises and met Enias Thankasi who said he was the new tenant and it was his first day. The Premises Licence Holder was not on site. Level of music reduced whilst officers were on site. Officers left the premises and returned at 00:45 – music was very loud and could be heard as far as Tristram Drive. Abatement Notice to be served. **ALLEGED BREACH OF LICENSED TIMES 6.**

20/11/23 – 20:50 – Complaint received in relation to loud music coming from the premises from 5pm until midnight on a weekday and from 5pm until the early hours of the morning (around 3am sometimes later) on the weekends.

20/11/23 22:07 – Complaint in relation to loud music, started at 6:30pm and ongoing. Likely to carry on until 2:00am possibly even 3 or 4am. Loud music, singing, shouting.

21/11/23 – As a result of the officer visit on 18th November 2023 Mr Mansur Duzgun, Ms Asen Sashev Asenov and Enias Thanasi were all served Abatement Notices in respect of Statutory Nuisance under the Environmental Protection Act 1990. The notices related to amplified music and required them to abate the nuisance forthwith. **See Appendix 8a-c.** They were each also served a Community Protection Warning under the Anti-Social Behaviour Crime and Policing Act 2014 as their conduct was seen to be having a detrimental effect on the quality of life of others in the locality. **See Appendix 9a-c.**

24/11/23 – The Officer who issued the notices received a voicemail from Mr Thanasi advising that he had received the notice, was very sorry for the problem that had occurred and asking to speak to the officer about it. The officer spoke to Mr Thanasi and he repeated what he had said on the night, that he had just taken over the premises and that he was sorry it happened and it wouldn't happen again. He asked if there was anything he should do and was advised to keep the noise level down and not disturb the

neighbours. He asked the officer to visit him at the premises to discuss the matter further. The officer advised they did not need to visit him. He asked if there was anything more he should be doing and the officer said no but advised that the Licencing Authority might want to review the premises licence.

25/11/23 – 23:01 – Noise complaint received. 23:47 – Officers carried out observations outside premise, all quiet.

02/12/23 – Annual fee visit made to premises (JF).

08/12/23 – Noise Officer (DWD) notified Senior Licensing Enforcement Officer (CPX) that the notices sent to Mansur Duzgun were returned to sender as undeliverable. The officer confirmed that they were still deemed as served.

12/12/23 – Senior Licensing Enforcement Officer (CPX) phoned Mr Duzgun and left him a voicemail advising him that notices had been served and asking him to notify the Licensing Team of his change of address if he has moved. The officer advised that this is a legal required and that it is an offence under the Licensing Act 2003 if he does not notify the Licensing Authority of any such change. The officer also provided the noise officer with an email address for Mr Duzgun so they could email the notices to him. This email was sent on 12/12/23. **See Appendix 10.**

The legislation:

Under Section 33 of the Licensing Act 2003 the holder of a premises licence, must as soon as is reasonably practicable, notify the Licensing Authority, of any change in their name or address. A person commits an offence if they fail, without reasonable excuse, to comply with these requirements.

Mr Duzgun is also a Personal Licence Holder. Under Section 127 of the Licensing Act 2003 personal licence holders must, as soon as reasonably practicable, notify the relevant licensing authority of any change in his name or address as stated in the personal licence. A person commits an offence if he fails, without reasonable excuse, to comply with this section.

There is a charge payable to update records and the current licences should be retuned. New versions of the licensed are then issued.

Additional information regarding Mr Mansur Duzgun

Mr Duzgun has been involved in other licensed premises in the borough. Council records show that following an interview under caution relating to activities at another licensed premises in 2017, Mr Mansur Duzgun was issued a formal warning letter. The interview related to the following offence: Carrying on, or knowingly allowing to be carried on, licensable activities otherwise than under and in accordance with an authorisation. This was in the form of breaching licence conditions. The interview also related to allegations that he committed an offence under Section 8 (1) of the Health Act 2006 by allowing people to smoke in a substantially enclosed area. Other issues investigated included breach of planning legislation and noise complaints in relation to loud music. The premises was partly used as a restaurant and partly as a shisha lounge. Mr Duzgun was the PLH at the time and the licence for that premises was reviewed in November 2017. The review information is on our website:

<https://governance.enfield.gov.uk/ieListDocuments.aspx?CId=217&MId=12370&Ver=4>

The conditions were amended and the licence was suspended for 14 days. Mr Duzgun no longer appears to be connected to this other premises.

When Mr Duzgun has been named on a licence he appears to have had very little to do with the actual running of the business. Although he has attended meetings when requested to do so he has never been seen working at any of the premises he is connected with, instead it appeared he is the landlord and his tenants run the businesses.

Location:

This venue is situated on the corner of a residential road with residential properties behind, opposite and next to it. Nearby is a small parade of shops with residential flats above.

Regulated Entertainment - Legal Provisions

As a result of the deregulation of entertainment premises that have alcohol (on sales) on their licence are now automatically entitled to provide entertainment, including recorded music, between the hours of 8am and 11pm, without the regulated entertainment being specified as a licensable activity on their licence. This only applies if the capacity is 500 and under.

Any existing licence conditions which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00

Home Office Revised Guidance issued under section 182 of the Licensing Act 2003 – August 2023 states that on a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment. In both instances the condition should include a statement that Section 177A does not apply to the condition.

Conclusion:

22 complaints have been received about this premises since the licence was transferred to Mr Duzgun, 18 of which have been received in the last 9 months.

In June 2023 staff at the premises told the Police Safer Neighbourhood Team that the premises is not open to the public and that they rent it out for private parties and that when they do have a private party, they do not host the party they just walk away and whatever happens, happens. This totally undermines the licensing objectives.

In August 2023 police discovered a cannabis factory above the licensed premises.

An application to via the DPS to Ms Asen Sashev Asenov was issued on 5th July 2023. On 31/08/23 Mr Duzgun advised the Police Licensing Team that the DPS had disappeared, and the premises was closed. On 19/09/23 Mr Duzgun advised the police that once he knew who his new tenant would be he would update them regarding the DPS. The premises has since reopened yet no vary DPS application has been received. The same type of events appear to be taking place with music loud enough to disturb local residents.

In November 2023, officers witnessed music being played at such a loud level it was deemed to be a statutory noise nuisance and Noise Abatement Notices have been

served. The notice sent to the registered address for the premises licence holder was 'returned to sender'. The Licensing Authority has not been notified of a change of address for the premises licence holder.

Even being called in for a meeting at Edmonton Police Station to meet with the Police Licensing Team to discuss concerns about the way the premises is managed has not improved matters.

The Licensing Authority has no confidence in the ability or willingness of the licence holder or his staff to uphold the licensing objectives and therefore recommends that this premises licence be revoked.

If the Licensing Sub-Committee is not minded to revoke the licence in its entirety then the Licensing Authority would recommend that the Committee consider suspending the premises licence until such time as full compliance with the licence conditions has been demonstrated by the PLH, his address details have been updated, a new DPS has been named on the licence and that the licence conditions be amended as follows:

Current Licence Conditions

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
 - (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - (4). Provide a linked record of the date, time, and place of any image.
 - (5). Provide good quality images.
 - (6). Operate under existing light levels within and outside the premises.
 - (7). Have the recording device located in a secure area or locked cabinet.
 - (8). Have a monitor to review images and recorded picture quality.
 - (9). Be regularly maintained to ensure continuous quality of image capture and retention.
 - (10). Have signage displayed in the customer area to advise that CCTV is in operation.
 - (11). Digital images must be kept for 28 days.
 - (12). Police or authorised local authority employees will have access to images at any reasonable time.
 - (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. (manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.
3. Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees upon request. If the system is not working correctly then the licensing authority or

the Police shall be informed immediately and steps made to have the problem fixed. No licensable activities shall be permitted to take place should the CCTV not be fixed 48 hours after the CCTV is found to not be working

4. All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.
5. The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.
6. A prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden.
7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.

Remove if music is removed from the licence.

8. Windows shall be closed by 22:00.
9. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.
10. Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.
11. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.
12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Remove if music is removed from the licence.

13. 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.
14. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Amend to: 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.

15. Live music shall be limited to two performers.

Remove if music is removed from the licence.

16. The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

17. Children shall only be permitted on the premises if accompanied by an adult.

18. Children under the age of 14 shall not be permitted on the premises after 21:00.

19. Children under the age of 18 shall not be permitted on the premises after 23:00.

20. Noise from the premises shall not create a nuisance to local residents.

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

22. 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.

23. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

Add:

i. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

ii. No more than 5 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.

iii. Music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this premises licence.

The Licensing Authority reserves the right to add any additional information to support this review application.

Please tick ✓ yes

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

If yes please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature 

Date 14/12/23

Capacity Senior Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)	
Post town	Post Code
Telephone number (if any)	
E-mail address	

Notes for Guidance

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



POLICE REPRESENTATION

Name and address of premises: **The Hyde Arms**
137 Victoria Road
London
N9 9BB

Type of Application: **Transfer of a Premises Licence and Variation of a Designated Premises Supervisor (DPS)**

The Application

This is an application to transfer a premises licence and vary a DPS for the above venue from a Mr John CROSS to a Mr Mansur DUZGUN. This premises licence allows the following:-

Supply of Alcohol	Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 00:00 Sunday 12:00 - 22:30
Opening Hours	Monday to Thursday 11:00 - 23:30 Friday to Saturday 11:00 - 00:30 Sunday 12:00 - 23:00
Indoor Sporting Events	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30
Live Music	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30
Recorded Music	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30
Facilities for making music	Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30

There are also non - standard timings and Seasonal variations for St Patricks Day, St Georges Day and Christmas eve that allows the above activities to continue until 01:00 each day. In addition to this all the activities stated above can continue for 24 hours on New Years' Eve.

Location

This venue is situated on the corner of a residential road with residential properties behind, opposite and next to it. Nearby is a small parade of shops with residential flats above.

History

The history of the venue is not of concern to the Police, however, the Police and Mr Duzgun do have a history which raises considerable concern regarding his suitability in holding this premises licence.

I have considered these applications and wish to object on the grounds that they could undermine the Prevention of crime and disorder objective.

Mr Duzgun is the holder of a premises licence at another venue. The Police and the licensing authority have been working with Mr Duzgun since October 2016 when we had reason to visit due to a noise complaint and allegations that the premises was staying open longer than allowed hours. During that visit a number of conditions were being breached and smoking was being allowed in a space that was more than 50% enclosed.

This started a very long process of assisting and advising Mr Duzgun but he continually failed to demonstrate full compliance with the conditions on the licence despite numerous visits, meetings and warnings. This culminated in the licensing authority applying for a review, to revoke the licence, approx. a year after the first meeting. Breaches were still witnessed even after the application to review was submitted.

It was not until this happened and after recommendations to do so by the Licensing Authority, that Mr Duzgun employed an Agent. Within a very short period of time most of the breaches had been rectified by the Agent. It is obvious that Mr Duzgun would not or did not appreciate the seriousness of his non-compliance of the licence conditions. He does not appear to have an understanding of the licensing objectives or what is expected of him and does not appreciate the need for him, as the Premises Licence Holder, to be capable of demonstrating compliance with each and every licence condition and it is not the responsibility of the licensing authority or the Police. His behaviour shows a clear disregard for the law and undermines the licensing objectives.

One of my main concerns is his lack of willingness to work with us. I visited Mr Duzgun's current venue in November 2017 with the Licensing Authority and was subsequently informed of Mr Duzgun's complaint about my attendance stating he did not understand why a Police officer has to attend and that my attendance would make his customers believe his venue was a criminal hotspot.

I am a Police Licensing Officer and my sole role is to act as a responsible authority during the application and enforcement process of all Premises Licenses. I carry out visits alongside the Licensing Authority on many occasions and to many venues as we have a common goal, to assist, advise and support the PLH's and DPS's in their businesses. Should our stepped approach not be successful then enforcement action may and is taken. Police do not only attend after criminal incidents and I am unsure why one solitary Police Officer in plain clothes should make the customers assume the place is a criminal hotspot, if it is not.

The last visit and the PLH's reaction highlights his inability to work with us and reiterates the lack of confidence the Police have in Mr Duzgun and the concerns we have in Mr Duzgun not being willing or able to promote the licence objectives.

Although the licence was not revoked at the hearing, more conditions were added and Mr Duzgun had to sign a declaration stating he would not apply for any variations to the licence until a year of compliance had passed. In view of the fact that the only reason

the licence is being complied with now is down to the Agent I do not feel Mr Duzgun to be a fit and proper person to hold a premises licence. I have no faith that Mr Duzgun will consciously promote any of the licensing objectives.

Should the committee be minded to grant the applications I would recommend that they only do so if the an Agent is employed to assist Mr Duzgun in demonstrating compliance.

I would also request that Mr Duzgun give an undertaking to submit a minor variation, within 2 weeks of being granted the premises licence, to amend or add conditions to the current licence to strengthen the licensing objectives as set out below in red bold text

CURRENT CONDITIONS AND REQUESTED AMENDMENTS

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

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.

Responsible drinking shall be encouraged i.e. no promotions.

The installed CCTV system must conform to the Data Protection Act. Recordings must be clear and be kept for a minimum of 31 days. The system must be regularly maintained

CHANGE TO

A digital CCTV system must be installed in the premises complying with the following criteria:

- (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.**
- (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
- (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
- (4). Provide a linked record of the date, time, and place of any image.**
- (5). Provide good quality images.**
- (6). Operate under existing light levels within and outside the premises.**
- (7). Have the recording device located in a secure area or locked cabinet.**
- (8). Have a monitor to review images and recorded picture quality.**

- (9). **Be regularly maintained to ensure continuous quality of image capture and retention.**
- (10). **Have signage displayed in the customer area to advise that CCTV is in operation.**
- (11). **Digital images must be kept for 28 days.**
- (12). **Police or authorised local authority employees will have access to images at any reasonable time.**
- (13). **The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**

Add:

- **Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees upon request. If the system is not working correctly then the licensing authority shall be informed immediately and no licensable activities shall be permitted to take place until it is fixed.**
- **All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.**

The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.

ADD A CONDITION TO ENHANCE THIS

A prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden'

All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.

Windows shall be closed by 22:00.

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

CHANGE TO

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

Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.

At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

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.

Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Live music shall be limited to two performers.

The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

Children shall only be permitted on the premises if accompanied by an adult.

Children under the age of 14 shall not be permitted on the premises after 21:00.

Children under the age of 18 shall not be permitted on the premises after 23:00.

Noise from the premises shall not create a nuisance to local residents.

All staff must receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

CHANGE TO

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

ADD

- **A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry**

I reserve the right to submit further representation.

Officer: Karen Staff PC237YE

Tel: [REDACTED]

[REDACTED]

Date: 5th February 2018

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



LICENSING SUB-COMMITTEE – 7 MARCH 2018

1. Application was made by **MR MANSUR DUZGUN** for the premises now known as and situated at **THE HYDE ARMS PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB** for a transfer of Premises Licence (LN/200501812).

The Licensing Sub-Committee **RESOLVED** that the application be **GRANTED**.

Reasons:

The Chairman made the following statement:

“The Licensing Sub-Committee was advised at the hearing by Mr Rankin – representing the Metropolitan Police Service (MPS) – that the position of the MPS had modified from its earlier stance taken to object to the transfer of the premises licence for The Hyde Arms into the name of Mr Mansur Duzgun.

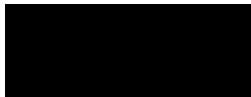
The Licensing Sub-Committee heard that despite certain residual reservations over another premises, the objection to this transfer was to be withdrawn.

We further heard that the MPS and Mr Duzgun had come to an accord in terms of the strengthened conditions being applied to this licence. Mr Rankin made it clear that the modified position of the MPS was itself conditional upon Mr Duzgun agreeing to submit a written application to vary the now agreed conditions; and he also sought an oral undertaking from Mr Duzgun that he will make such an application within two weeks.

Mr Duzgun duly gave that oral undertaking to the satisfaction of the Licensing Sub-Committee, enabling it to formally resolve that the application for a transfer of this premises licence be granted.”

Date Notice Sent : 08 March 2018

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

From: [Charlotte Palmer](#)
To: [REDACTED]
Subject: The Hyde Arms Public House, 137 Victoria Road, LONDON, N9 9BB [SEC=OFFICIAL]
Date: 12 March 2019 14:53:00
Attachments: [image001.jpg](#)

Classification: OFFICIAL

Dear Mr Duzgun,

I write to you as the current premises licence holder of the above named premises to advise you that Enfield Council's Licensing Enforcement Team has received a complaint about the premises.

The complainant states:

'the hyde arms pub has been for many years now playing loud music and customers shouting, arguing and sometimes even fighting until 2/3 sometimes even 5 in the morning. Doors are left open which exacerbates the problem even more.'

I take this opportunity to remind you of the following licence conditions attached to your licence in an attempt to prevent the premises becoming a source of nuisance to local residents:

7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.
8. Windows shall be closed by 22:00.
12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
13. 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.
15. Live music shall be limited to two performers.
20. Noise from the premises shall not create a nuisance to local residents.

The premises is currently licensed to open from 11:00 – 23:30 Monday to Thursday, 11:00 – 00:30 Friday and Saturday and 12:00 – 23:00 Sunday.

Under the Live Music Act Live music is permitted from 08:00 – 23:00.

The licence permits recorded music from 11:00 – 23:00.

Trading beyond the times on the premises licence or failing to comply with conditions attached to the Premises Licence are both criminal offences which carry an unlimited maximum fine and or six month imprisonment.

Please be advised that where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence.

Playing loud music can also result in a noise abatement notice being served, should the level of the music be deemed to be a statutory nuisance.

Officers may carry out spot checks to ensure the times and conditions are being complied with.

Regards

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

E: [REDACTED]

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

Classification: OFFICIAL

From: [Charlotte Palmer](#)
To: [REDACTED]
Bcc: [Victor Ktorakis](#)
Subject: LN/200501812 - The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB
Date: 14 June 2023 10:42:00

Dear Mansur and Nanea,

I write to you as the current premises licence holder (Mansur) and DPS (Nanea) of the above named premises to advise you that Enfield Council's Licensing Enforcement Team has received complaints about the premises.

The complainants all allege that they are being disturbed by loud music and shouting coming from the premises on a weekly basis. They claim the music starts late afternoon and continues until 3am.

Having checked the licence I can see that the licensed opening hours are until 23:00 on Sundays, 23:30 Monday – Thursday and 00:30 Friday – Saturday with alcohol sales ceasing 30 minutes before hand. The premises is not licensed to provide regulated entertainment (i.e. any music) any later than 23:00.

Out of Hours Noise Officers visited the premises on 10/06/23 at 02:00 and loud music was audible in the street. They entered the premises and saw a DJ playing music through large speakers. When asked to turn off the music he did so, however, no one at the premises appeared to know who was in charge or who had control over the premises.

One of the officers also witnessed a female sniffing something off a plate which she quickly covered when she noticed the officer looking at her. This is very concerning. The police shall be notified of the complaints and results of the officers visit.

I take this opportunity to remind you of the following licence conditions attached to your licence in an attempt to prevent the premises becoming a source of nuisance to local residents or a source of crime and disorder:

7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.
8. Windows shall be closed by 22:00.
11. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.
12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

13. 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.

15. Live music shall be limited to two performers.

20. Noise from the premises shall not create a nuisance to local residents.

Trading beyond the times on the premises licence or failing to comply with conditions attached to the Premises Licence are both criminal offences which carry an unlimited maximum fine and or six month imprisonment.

Please consider this email to be a warning.

Where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence.

Playing loud music can also result in a noise abatement notice being served, should the level of the music be deemed to be a statutory nuisance. Again please consider this a warning, officers shall serve a notice if this issue is witnessed again.

Please respond to this email and provide me with the following information:

1. What name is the premises currently trading under – is it still the Hyde Arms?
2. Are you both still connected to the premises? If not please either arrange for the licence to be transferred to the new owner or surrender the licence (Mansur) and/or remove your name as the DPS (Nanea) by contacting licensing@enfield.gov.uk and quote the licence number LN/200501812. If there is a new owner please send me their contact details if you have them.
3. What was the event on 10/06/23 and who was in charge?

Kind Regards

Charlotte Palmer
Senior Licensing Enforcement Officer
Licensing Team
Environment and Communities Directorate
Enfield Council
Civic Centre
Silver Street
Enfield, EN1 3XA

Website: www.enfield.gov.uk

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From: [mansur_duzgun](#)
To: [Charlotte Palmer](#)
Subject: Re: LN/200501812 - The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB
Date: 15 June 2023 16:41:02

Dear Charlotte,

Thank you for your email.

I can confirm that Nanea was the DPS for the event on the 10th of June 2023, however she had been dismissed over misuse of the premises and my licence.

I will be submitting a DPS variation application tomorrow. The new DPS will be Asen Asenova.

The premises is now called Isik Restuarant.

I will be going through the licence with Asen to ensure that incidents like this do not happen again.

kind regards

Mansur Duzgun

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

Sent: 14 June 2023 09:42

To: [REDACTED]

Subject: LN/200501812 - The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB

Dear Mansur and Nanea,

I write to you as the current premises licence holder (Mansur) and DPS (Nanea) of the above named premises to advise you that Enfield Council's Licensing Enforcement Team has received complaints about the premises.

The complainants all allege that they are being disturbed by loud music and shouting coming from the premises on a weekly basis. They claim the music starts late afternoon and continues until 3am.

Having checked the licence I can see that the licensed opening hours are until 23:00 on Sundays, 23:30 Monday – Thursday and 00:30 Friday – Saturday with alcohol sales ceasing 30 minutes before hand. The premises is not licensed to provide regulated entertainment (i.e. any music) any later than 23:00.

Out of Hours Noise Officers visited the premises on 10/06/23 at 02:00 and loud music was audible in the street. They entered the premises and saw a DJ playing music through large speakers. When asked to turn off the music he did so, however, no one at the premises appeared to know who was in charge or who had control over the premises.

One of the officers also witnessed a female sniffing something off a plate which she quickly covered when she noticed the officer looking at her. This is very concerning. The police shall be notified of the complaints and results of the officers visit.

I take this opportunity to remind you of the following licence conditions attached to your licence in an attempt to prevent the premises becoming a source of nuisance to local residents or a source of crime and disorder:

7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.
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12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
13. 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.
15. Live music shall be limited to two performers.
20. Noise from the premises shall not create a nuisance to local residents.

Trading beyond the times on the premises licence or failing to comply with conditions attached to the Premises Licence are both criminal offences which carry an unlimited maximum fine and or six month imprisonment.

Please consider this email to be a warning.

Where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence.

Playing loud music can also result in a noise abatement notice being served,

should the level of the music be deemed to be a statutory nuisance. Again please consider this a warning, officers shall serve a notice if this issue is witnessed again.

Please respond to this email and provide me with the following information:

1. What name is the premises currently trading under – is it still the Hyde Arms?
2. Are you both still connected to the premises? If not please either arrange for the licence to be transferred to the new owner or surrender the licence (Mansur) and/or remove your name as the DPS (Nanea) by contacting licensing@enfield.gov.uk and quote the licence number LN/200501812. If there is a new owner please send me their contact details if you have them.
3. What was the event on 10/06/23 and who was in charge?

Kind Regards

Charlotte Palmer
Senior Licensing Enforcement Officer
Licensing Team
Environment and Communities Directorate
Enfield Council
Civic Centre
Silver Street
Enfield, EN1 3XA

Website: www.enfield.gov.uk

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From: [REDACTED]@met.police.uk
To: [REDACTED]
Cc: [REDACTED]
Subject: Issues surrounding The Hyde Arms ,137 Victoria Road N9 9BB
Date: 31 August 2023 11:37:26
Attachments: [image005.jpg](#)
[image006.png](#)
[image007.jpg](#)
[image008.gif](#)
[image009.gif](#)
[image002.jpg](#)
[image004.png](#)

Good Morning Mr Duzgun

It was a pleasure meeting with you this morning .Just by way of summary and framing our expectations of you as a premises licence holder in regards to licensing issues highlighted recently at The Hyde Arms .

We discussed the fact that the Designated Premises Supervisor(DPS) Mr Asen Asenov who had previously been a DPS at your premises prior to the recent change from Lorena Cristina Nanea recently appeared to not be running the premises in a manner that you would approve .This came off the back of a complaint from the London Borough Of Enfield licensing officer Charlotte Palmer contacting you on the 14th June 2023 informing you that she had received complaints that loud music had been heard coming from the premises at 0300 hours and it was believed that the premises was conducting licensable activities in contravention of the established licensing hours.

Additionally on the 01/07/23 Our Edmonton Police Safer Neighbourhoods Team visited the location at around 19:30 hours and found the following:
Location is being used as a private rented space. On the outside it is advertised as ISIK BG RESTAURANT with a menu on the wall outside. The main entrance to the place is shut and locked and you have to enter via a side door.

On entering there was one family sat eating, one of them identified themselves as a staff member and it was his family that were eating other than that.

He explained that it's not open to the public and that they rent it out to private parties. When they do have a private parties they do not host it they just walk away and whatever happens happens.

There was still a very much stocked bar in there and massive speakers so no doubt there is a noise problem. However he did state that they have heard from the council and are getting smaller speakers to reduce the noise.

Additionally The local authority received complainants that all alleged that residents are being disturbed by loud music and shouting coming from the premises on a weekly basis. They claimed the music started late afternoon and continued until 3am. The premises were not licensed to provide regulated entertainment (i.e. any music) any later than 23:00.

The LA Out of Hours Noise Officers visited the premises on **10/06/23 at 02:00** and loud music was audible in the street. They entered the premises and saw a DJ playing music through large

speakers. When asked to turn off the music he did so, however, **no one at the premises appeared to know who was in charge or who had control over the premises.**

One of the officers(council) also witnessed a female sniffing something off a plate which she quickly covered when she noticed the officer looking at her.

As a result you were reminded(By the local authority) of the licence conditions in an attempt to prevent the premises becoming a source of nuisance to local residents or a source of crime and disorder .Prior to this in Covid (31/01/21) there were complaints that over 25 people were inside the venue every night during lockdown drinking and playing music .The lights were not switched on and it was believed that the people were meeting downstairs in the premises .

Which leads us on to the discovery of a cannabis factory at the premises in the upper residential part of the premises on the 5th of August 2023 a member of the public saw males breaking into the premises via rear door upon police arrival a cannabis factory was discovered on the first floor residential area but the licensable area on the ground floor had unrestricted access .

You have informed us that the DPS Asen Asenov has now disappeared and he is uncontactable therefore you have voluntarily closed the premises .You have stated to us that you believe that Asenov appointed a “manager “ who ran the place but you don’t know who the manager was .We discussed what your intentions for the premises were and you stated you wished to install a new DPS in there and run it as a public house rather than a restaurant/Social club which it apparently had become under the management of the DPS .

We discussed whether you were considering surrendering your premises licence and you told us you did not wish to do that as you wanted to turn this business around and get it running correctly with the correct responsible supervisors in there in a manner that upheld the licensing objectives .

We stated that a licence review is a distinct possibility given that the premises have been involved in crime and that the DPS clearly was not running the location in an appropriate suitable manner .

You have stated that you would not wish to have to go to review and that your intention is to change these premises back to a traditional Pub type venue and regain full control .

We have agreed that you will get back with us within 7 calendar days(7th Sept 23) with your proposals as to how you will achieve this .We very much appreciate your time this morning and look forward to working with you to rectify the issues .

Kindest Regards

Derek



Police Constable Derek Ewart [REDACTED]
Licensing Officer
Enfield & Haringey
North Area BCU Partnership & Prevention
Metropolitan Police Service
North Area BCU (Enfield & Haringey)



Edmonton Police Station, 462 Fore Street, N9 0PW
 www.met.police.uk
 [Redacted]
 [Redacted]
 [Redacted] *Enfield* *Haringey*
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From: [REDACTED]@met.police.uk
To: [REDACTED]
Subject: Update on the operation of The Hyde Arms ,137 Victoria Rd ,Edmonton,N9 9BB
Date: 08 September 2023 13:58:22
Attachments: [image005.jpg](#)
[image006.png](#)
[image007.jpg](#)
[image008.gif](#)
[image009.gif](#)
[image010.jpg](#)
[image011.png](#)

Mr Duzgun

following on from our meeting 7 days ago at Edmonton Police Station and my email to you the same day as agreed you stated you would update us within 7 days of your intentions and measures regarding The Operation of the Hyde Arms .

I have not heard from you and its day 8 .Can you please update me as to your intentions .Issues such as trading and new DPS appointment etc. etc. need to be clarified .I had thought we had an agreement and understanding based around our expectations and the fact we previously had communication issues with you in that we appeared to never get replied from you .

Please respond as a matter of urgency .

Kindest Regards

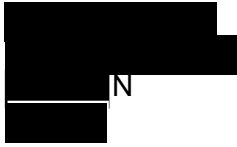


Police Constable Derek Ewart [REDACTED]
Licensing Officer
Enfield & Haringey
North Area BCU Partnership & Prevention
Metropolitan Police Service
North Area BCU (*Enfield & Haringey*)
Edmonton Police Station, 462 Fore Street, N9 0PW
[www.met.police.uk](#) [REDACTED]
[REDACTED]
[REDACTED] Enfield [REDACTED] Haringey
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Ms Asen Sashev Asenov



Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail: [REDACTED]

My Ref: [REDACTED]

Your Ref:

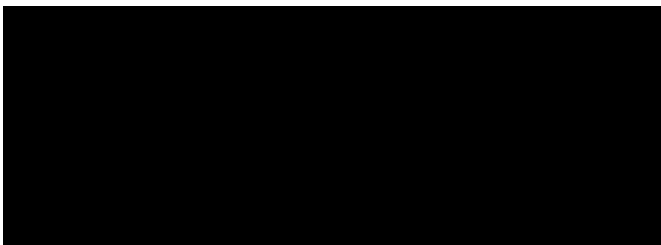
Date: 21 November 2023

Dear Ms Asenov,

Re: ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Community Protection Warning for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: 02081320914

Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk



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

LONDON BOROUGH OF ENFIELD
SECTION 43 to 58 ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
COMMUNITY PROTECTION WARNING

This Warning is served upon:

Ms Asen Sashev Asenov


TAKE NOTICE that under the provision of the Antisocial Behaviour Crime & Policing Act 2014 the below named authorised officer, being satisfied that your conduct* is having a detrimental effect on the quality of life of others in the locality caused by;

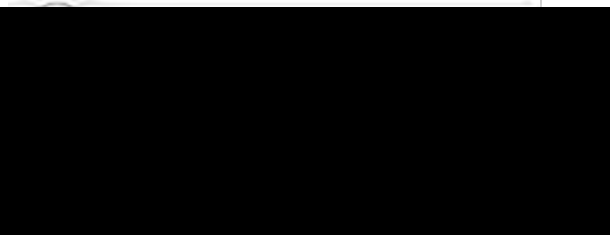
Loud Music and singing

HEREBY REQUIRE YOU as [~~(one of) the person(s) responsible for the said conduct~~] the [(owner) (occupier) of the premises], [forthwith] [~~within 0 days~~] [~~by date~~] following the service of this official warning to;

**Take all necessary action to restrict and prohibit loud music and singing from
The Hyde Arms 137 Victoria Road N9 9BB**

IF without reasonable excuse you fail to comply with all or any requirement of this Warning a Community Protection Notice may be issued without further warning. If you fail to comply with the requirements of a Community Protection Notice you will be guilty of an offence. This could result in a fixed penalty notice of £100 or prosecution resulting in a fine up to £2,500 [OR a fine in the case of a body corporate] and a criminal record. The Council may take action to have work carried out to ensure that the failure is remedied, but only on land that is open to the air, and the Council may recover its costs of doing so from you. The Court may also order the seizure and/or forfeiture and destruction of any item that was used in the commission of the offence.

Signed



David Dollemore
Environmental Protection Officer

Date 21/11/2023

Ref: 

*Conduct includes failure to act to abate the detriment described. Conduct on, or affecting, premises that a person owns, leases, occupies, controls, operates, or maintains, is treated as conduct of that person.



Mr Mansur Duzgun



Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail:



Your Ref:

Date: 21 November 2023

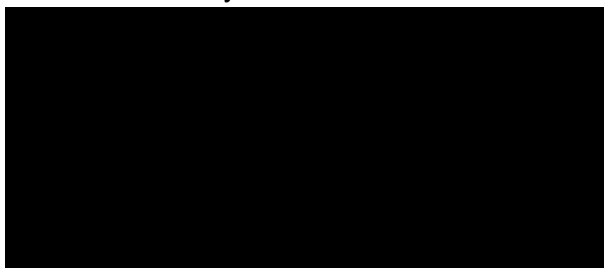
Dear Mr Duzgun,

Re: ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Community Protection Warning for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel:



Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk



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LONDON BOROUGH OF ENFIELD
SECTION 43 to 58 ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
COMMUNITY PROTECTION WARNING

This Warning is served upon:

Mr Mansur Duzgun

[REDACTED]

[REDACTED]

TAKE NOTICE that under the provision of the Antisocial Behaviour Crime & Policing Act 2014 the below named authorised officer, being satisfied that your conduct* is having a detrimental effect on the quality of life of others in the locality caused by;

Loud Music and singing

HEREBY REQUIRE YOU as [~~(one of) the person(s) responsible for the said conduct~~] the [~~owner~~] (occupier) of the premises], [forthwith] [~~within 0 days~~] [by date] following the service of this official warning to;

Take all necessary action to restrict and prohibit loud music and singing from The Hyde Arms 137 Victoria Road N9 9BB

IF without reasonable excuse you fail to comply with all or any requirement of this Warning a Community Protection Notice may be issued without further warning. If you fail to comply with the requirements of a Community Protection Notice you will be guilty of an offence. This could result in a fixed penalty notice of £100 or prosecution resulting in a fine up to £2,500 [OR a fine in the case of a body corporate] and a criminal record. The Council may take action to have work carried out to ensure that the failure is remedied, but only on land that is open to the air, and the Council may recover its costs of doing so from you. The Court may also order the seizure and/or forfeiture and destruction of any item that was used in the commission of the offence.

Signed _____

David Dollemore
Environmental Protection Officer

Date 21/11/2023

Ref: [REDACTED]

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Enias Thanasi
The Hyde Arms,
Victoria Road
Edmonton, London
N9 9BB

Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail: [REDACTED]

Your Ref: [REDACTED]

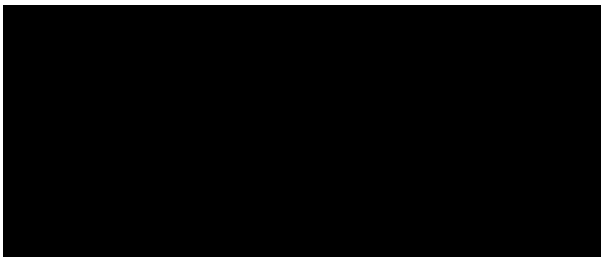
Date: 21 November 2023

Dear Enias Thanasi,

Re: ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Community Protection Warning for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: 02081320914

Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

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Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
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www.enfield.gov.uk



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LONDON BOROUGH OF ENFIELD
SECTION 43 to 58 ANTISOCIAL BEHAVIOUR CRIME & POLICING ACT 2014
COMMUNITY PROTECTION WARNING

This Warning is served upon:

Enias Thanasi
The Hyde Arms Public House, 137 Voctoria Road
Edmonton, London, N9 9BB

TAKE NOTICE that under the provision of the Antisocial Behaviour Crime & Policing Act 2014 the below named authorised officer, being satisfied that your conduct* is having a detrimental effect on the quality of life of others in the locality caused by;

Loud Music and singing

HEREBY REQUIRE YOU as [~~(one of) the person(s) responsible for the said conduct~~] the [(owner) (occupier) of the premises], [forthwith] [~~within 0 days~~] [by date] following the service of this official warning to;

Take all necessary action to restrict and prohibit loud music and singing from The Hyde Arms 137 Victoria Road N9 9BB

IF without reasonable excuse you fail to comply with all or any requirement of this Warning a Community Protection Notice may be issued without further warning. If you fail to comply with the requirements of a Community Protection Notice you will be guilty of an offence. This could result in a fixed penalty notice of £100 or prosecution resulting in a fine up to £2,500 [OR a fine in the case of a body corporate] and a criminal record. The Council may take action to have work carried out to ensure that the failure is remedied, but only on land that is open to the air, and the Council may recover its costs of doing so from you. The Court may also order the seizure and/or forfeiture and destruction of any item that was used in the commission of the offence.

Signed _____

David Dollemore
Environmental Protection Officer

Date 21/11/2023

Ref: XXXXXXXXXX

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Ms Asen Sashev Asenov
[REDACTED]

Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail : [REDACTED]

Your Ref : [REDACTED]

Date : 21 November 2023

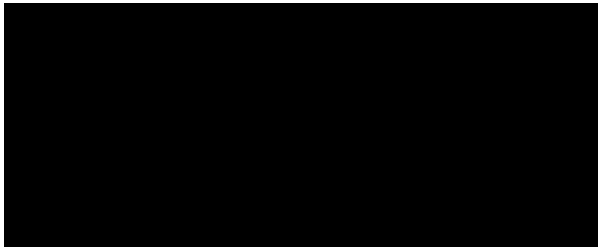
Dear Ms Asenov,

Re: ENVIRONMENTAL PROTECTION ACT 1990

Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]

Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

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LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Ms Asen Sashev Asenov

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely occurrence] [recurrence]] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Hyde Arms 137 Victoria Road, LONDON, N9 9BB**, within the district of the said Council arising from:

Amplified music

HEREBY REQUIRE YOU as the [~~person responsible for the said nuisance~~] [owner] [occupier] of the premises, **The Hyde Arms 137 Victoria Road, LONDON, N9 9BB**, from which the noise is or would be emitted [**forthwith**] [~~within 0 days~~] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[~~the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]].~~

[~~the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].~~

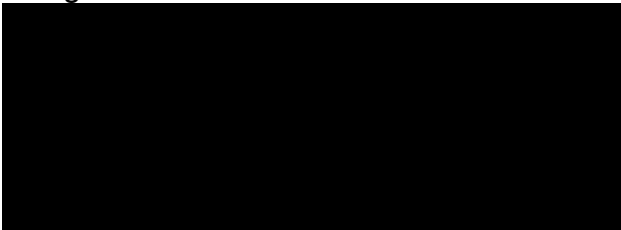
/contd

[REDACTED]

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:

A large black rectangular redaction box covering the signature of David Dollemore.

David Dollemore
Environmental Protection Officer

Dated 21/11/2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B

A small black rectangular redaction box at the bottom left of the page.

Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.





Mr Mansur Duzgun
[REDACTED]

Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail : [REDACTED]
[REDACTED]

Your Ref :

Date : 21 November 2023

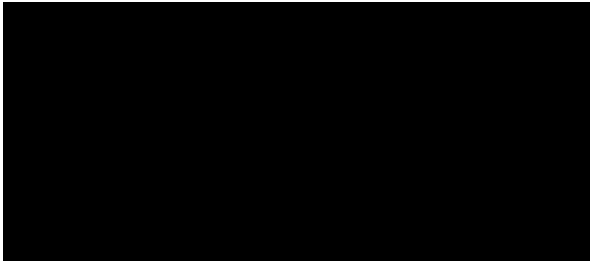
Dear Mr Duzgun,

Re: ENVIRONMENTAL PROTECTION ACT 1990

Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]

Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk



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

[REDACTED]

[REDACTED]

[REDACTED]

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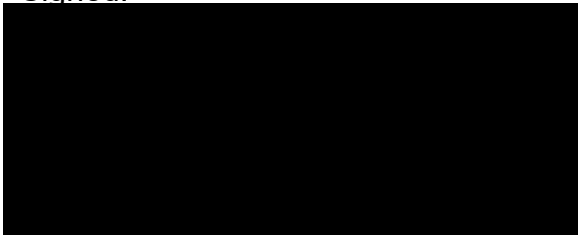
[REDACTED] contd

[REDACTED]

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:

A large black rectangular redaction box covering the signature of David Dollemore.

David Dollemore
Environmental Protection Officer

Dated 21/11/2023

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 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
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- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

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(2) This paragraph applies where—

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(3) Where paragraph (2) applies the abatement notice—

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(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Enias Thanasi
The Hyde Arms
Public House
137 Victoria Road
LONDON

Please reply to: David Dollemore
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH

E-mail : [REDACTED]

Your Ref : [REDACTED]

Date : 21 November 2023

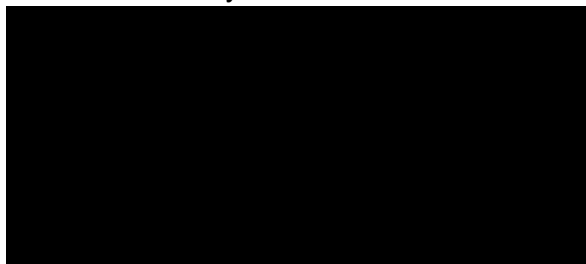
Dear Enias Thanasi,

Re: ENVIRONMENTAL PROTECTION ACT 1990

Address: The Hyde Arms 137 Victoria Road, LONDON, N9 9BB

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]

Yours sincerely



David Dollemore
Environmental Protection Officer
Environmental Protection Team

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Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk



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

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Enias Thanasi

Of: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] [likely occurrence] [recurrence]] of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Hyde Arms 137 Victoria Road, LONDON, N9 9BB**, within the district of the said Council arising from:

Amplified music

HEREBY REQUIRE YOU as the [~~person responsible for the said nuisance~~] [owner] [occupier] of the premises, **137 Victoria Road, LONDON, N9 9BB**, from which the noise is or would be emitted [**forthwith**] [~~within 0 days~~] from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[~~the noise to which this notice relates is [injurious to health] [likely to be of a limited duration such that suspension would render the notice of no practical effect]].~~

[~~the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].~~

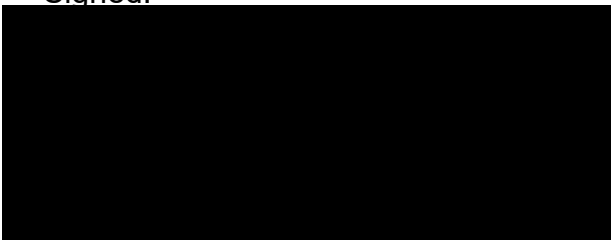
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IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:

A large black rectangular redaction box covering the signature area.

David Dollemore
Environmental Protection Officer

Dated 21/11/2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B

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 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
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 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

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- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

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and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

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- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

- (i) is injurious to health, or
- (ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



From: [David Dollemore](#)
To: [REDACTED]
Subject: notices [SEC=OFFICIAL]
Date: 12 December 2023 12:10:46
Attachments: [EPT NT EPA 1990 S80 - MUSIC WK 223070509 20_11_2023 11_38_12 377523.pdf](#)
[EPT NT CPN WARNING WK 223070811 21_11_2023 08_46_37 377560.pdf](#)
[image002.png](#)

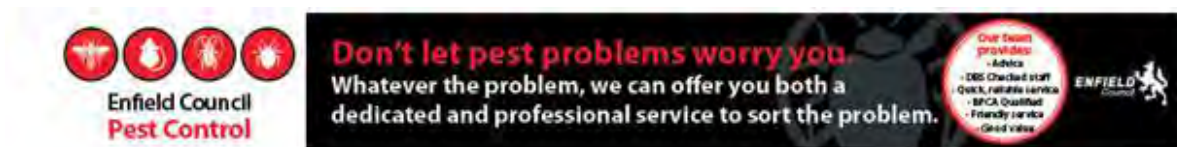
Classification: OFFICIAL

Dear Mr Duzgun,

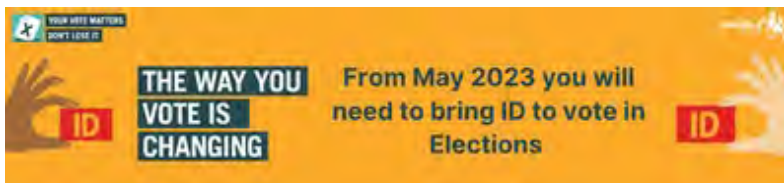
Please find attached a copy of notices served on you at you address which were return undelivered.

Regards

David Dollemore
Environment and Street Scene
Environment and Communities Department
Enfield Council
Silver Street
Enfield
EN1 3XY
London Borough of Enfield
Website: www.enfield.gov.uk
Protect the Environment – Think Before You Print.



Enfield Council Pest Control Service
Pest.control@enfield.gov.uk / 0208 379 3433 / www.enfield.gov.uk/pests
Got a pest problem? Then we've got you covered.



<https://www.enfield.gov.uk/services/councillors-and-democracy/voter-id>

Classification: OFFICIAL

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB

Type of Application: Review of Premises Licence

Detailed below is information not previously included in the review application submitted on 14/12/2023:

01/12 /23 (these notes had not yet been added to the council database by the noise officer when the review was submitted). 22:28 - noise complaint from local resident regarding loud music. 00:04 officer arrived at premises – music and singing audible when standing outside premises (**after licensed hours**). 00:06 – visited residents' property. Resident said the volume was lower than when they reported it and that the volume goes up and down throughout the night. Audible in residents' property but not a statutory nuisance. 00:15 volume reduced. Audible at complainant's front door. 00:18 volume not too bad in first floor bedroom. 00:22 volume appeared to be reduced again. 00:35 – no music audible so left property. Music still audible in street.

14/12/23 - Senior Licensing Enforcement Officer (CPX) entered the premises, delivered review application and put review notice up outside the premises. Met new tenant and his wife. Officer explained what the review was and why the application had been made. Whilst inside the premises the officer saw six very large speakers – photos taken. The tenant advised that only two were working. One was facing the door. The tenant advised that on the night that the noise officer had visited him two speakers had been on, and they had been facing into the premises and away from the door. He stated that the night the noise officer had visited had been his first night there. He advised Mr Duzgun was his landlord, that he had agreed to take over the premises for five years and was living above the premises with his wife and their young baby. He said he was currently in the process of doing up the upstairs area and hoped to turn it into a hotel. He had been unaware of any previous issues at the premises. There were two gaming machines towards the back of the premises, both were switched off however one was a Black Horse machines, none of which should be in the country as they have been imported illegally. Photos taken. **See Appendix 11.**

18/12/23 – The notices served on the DPS by the Noise Officer were returned.

21/12/23 – Transfer application submitted by H&K Elite Limited. A search of Companies House shows that the Director of the company is Milanova Boginka Petrova and that until the 12th October 2023 the company had been called Hot Kinky Cleaning Limited. **See Appendix 12.** The named Director is not the person officers have spoken to about the noise issues or met at the premises.

05/01/24 – Out of Hours Licensing Enforcement Officers (CT/MW) visited the premises to carry out a full licence inspection. On arrival there was only one male sitting at one of the tables. He identified himself as Enias Thanasi - owner. He advised that there was no personal licence holder on site. Mr Thanasi advised the officers that, on his first night of opening, he had a visit from what he called "the council police" which he

said had ruined his business. When asked if he had a copy of the licence he said he had a copy from 'Mr Monsur Duzgup' PLH. He said he understood that he has to close at 23:00 hours. He asked the officers if he could extend the hours and was advised that he should run the business for a while first to prove he could run it without any complaints. Full licence inspection carried out.

Condition 2, 3, 4 – unable to check CCTV conditions as CCTV not connected.

Condition 6 - Prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden – not on display.

Condition 9 – Think 21 poster on display – this should be a Think 25 poster.

Conditions 11 - At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated – only 2 posters seen.

Conditions 13 – Leave Quietly poster not on display.

Condition 14 – Drinking Control Zone poster not on display.

Condition 23 – No refusals book – new owner stated this is because they have had no customers since the first night they opened (it is believed the premises reopened on 18th November 2023).

A refusal book should be in place ready for when they do have customers.

As there were no customers and no music was playing there were no records of toilet checks or sound checks. Officers were also advised that no staff are currently employed so there are no staff training records.

The officers completed an inspection report which Mr Thanasi signed and was given a copy of. **See Appendix 13.**

11/01/24 – Licence resources emailed to Mr Duzgun and the applicant for the transfer.

19/01/24 – Out of Hours Noise Team received a call from a local resident at 23:02 that there was loud music coming from The Hyde Arms and had been loud since 5pm that day. The Noise Officer called the resident back at 23:15, and was advised that the music level had reduced after they called the service. The officer did not attend the residents home or the premises.

24/1/24 – The Council received information from a local resident, who states that the licence should not be given to the owner of the pub as the premises is located in a dense residential area. They have experienced on many occasions loud noise nuisance from this premises, which occurs from 5pm to 3 am, even to 4am, 5 to 6 days each week since 2020. The resident alleges drug dealing frequently takes places at this premises. As an aside, there are several large industrial extractor fans which cause noise nuisance, as well as prominent cooking oil smoke and barbecue smoke pollution emits from this premises.

In light of all the above information, we are still seeking full revocation of the premises licence.

Duly Authorised: Victor Ktorakis, Senior Licensing Enforcement Officer

Contact: victor.ktorakis@enfield.gov.uk

Signed: *Victor Ktorakis*

Date: 25/01/2024

Appendix 11











FILE COPY

CERTIFICATE OF INCORPORATION ON CHANGE OF NAME

Company Number **14538343**

The Registrar of Companies for England and Wales hereby certifies that under the Companies Act 2006:

HOT KINKY CLEANING LTD

a company incorporated as private limited by shares, having its registered office situated in England and Wales, has changed its name to:

H & K ELITE LTD

Given at Companies House on **13th October 2023**



* N14538343I *

The above information was communicated by electronic means and authenticated by the Registrar of Companies under section 1115 of the Companies Act 2006



Companies House



THE OFFICIAL SEAL OF THE
REGISTRAR OF COMPANIES



Notice of Change of Name by Resolution

Company Number: **14538343**

Company Name: **HOT KINKY CLEANING LTD**

Received for filing in Electronic Format on the: **12/10/2023**

Notice is hereby given that the company has changed its name as set out in the attached resolution

Authorisation

Authenticated

This form was authorised by one of the following:

Director, Secretary, Person Authorised, Administrator, Administrative Receiver, Receiver, Receiver manager, Charity Commission Receiver and Manager, CIC Manager

COMPANIES ACT 2006
SPECIAL RESOLUTION ON CHANGE OF NAME

Company number: 14538343

Existing company name:
HOT KINKY CLEANING LTD

The following special resolution to change the name of the company was agreed and passed by the members.

On the 12th October 2023

That the name of the company be changed to:
H & K ELITE LTD

REF: WK [REDACTED]

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	The Hyde Arms.	
Premises Address	137 Victoria Road, N.9	
Time of Visit:	Start: 22.45	Finish: 23.45

During an inspection of your premises on 5. 1 20. 24, the following was checked:

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

No. of condition not in compliance	Evidence/Advice
2	CCTV not currently connected.
3.	not able to check CCTV as not operational
4	no staff or CCTV -
6.	Signs missing from garden.
9.	Place trunk '25' stickers/posters up.
11	To place more notices relating to drugs.
12	No records as no music being carried in premises. out with only background Greek music.
13	To put up leave quietly sign. +

+14 Drunken Control area.
 Any other matter(s) that need addressing:
 Enias Phanasi - put in a transfer.
 Friday eve use - no customers on site. Just owner.

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

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: C. Tomaso, M. Waterman.	Signature: [REDACTED]
	Print Name & Position: Enias Thomas
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel of recipient: [REDACTED]

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





Enfield Local Authority

Licensing Team
B Block South,
Civic Centre,
Silver Street,
Enfield,
EN1 3XA

Police Licensing Unit
Edmonton Police Station
462 Fore Street,
London
N9 0PW

PCSO Pantelitsa Yianni [REDACTED]

www.met.police.uk

09/01/2024.

Police Representation

REVIEW OF PREMISES LICENCE
THE HYDE ARMS, PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB

Premises Licence Number: LN/200501812

Dear Licensing Team,

The police have been made aware that Enfield Licensing enforcement team are seeking a review of the premises licence. This is on the grounds that they have an extensive history over the past four years of complaints, totalling 48 and all occurring whilst under the ownership of Mr Mansur DUZGUN. There have been noise complaints alleging that the premises have been playing loud music, customer's arguing and fights taking place at 2-3am and sometimes as late as 5am occurring 6 days a week at times.

There have been reports for Gambling taking place in the basement of the premises which is not part of the licenced area. A cannabis factory was discovered above the premises on the 05/08/2023 by Police and this matter is still being investigated to date with no suspects arrested. There has been old cultivation cannabis equipment found behind the premises in the rubbish and this has been linked to staff at the premises in the past dating back to 2021 this shows a link between the cannabis factory being discovered and how long this potentially has been going on at the premises.

The premises have had a catalogue of known licensing issues and a history of non-compliance, Crime related events and Noise Complaints all of which have been mentioned in the upcoming review by the local authority. DUZGUN has had numerous interactions with

both the Police Licensing team and The Local Authority Licensing and Noise Nuisance Teams all of which despite advice being given this has resulted in no change in the miss management of the premises and continued breaches and lack of upholding of the licensing objectives.

Duzgun has for an extended period of time stated that he has left the management of the premises to third parties and has effectively endeavoured to distance himself from any breaches or mismanagement. Evidence has shown on visits to the premises that staff there when asked who was running the premises have stated DUZGUN was responsible for the running of the premises yet was never actively running the premises on a day to day basis having effectively sub-let to third parties effectively acting as a "front" in name only. When Mr Duzgun has been named on a licence he appears to have had very little to do with the actual running of the business. Although he has attended meetings when been requested to do so he has never been seen working at any of the premises he is connected with, instead it appears he is the landlord and his tenants run the businesses.

Dates and incidents are detailed on the Local authority representation therefore we have not duplicated entries as these are available on the Local authority representation.

On the 02/01/2024 a Premises licence transfer was submitted by Duzgun to change the licence holder to a limited company and Police objected to this transfer. It is our belief that this application is designed to give the impression that the removal of the current PLH (Currently subject of this review) is an attempt to give the impression of the premises being "Under New Management" and negate this review.

We the police **support** the review which has been initiated by the Licensing enforcement team and make representations in order to **fully revoke the premises licence**. As stated by the Licensing enforcement team it is not believed that Mr Mansur Duzgun is unable to uphold the licensing objectives.

Therefore we support the Local Authority in this review in that we feel the following licensing objectives are failing to be upheld:

- Prevention of Crime and Disorder
- The prevention of Public Nuisance

It is of police opinion that this venue is a beacon for Public Nuisance and Crime and disorder and it is of the belief that the PLH is completely disregarding the conditions of his licence and none of the Licensing objectives are being upheld. Police have made steps to engage and given opportunity to make changes and turn the issues around but this has not been actioned by the PLH although given every opportunity. If these premises are allowed to continue trading it is the belief of the Police that breaches of the Licensing Act and a clear nuisance to the public will continue. We therefore ask that the Subcommittee revoke the premises licence to prevent the continued disregard for the objectives continuing.

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

Regards,

PCSO Pantelitsa Yianni [REDACTED]
North Area Licensing Officer

Annex E

Conditions Arising From Review Application

If the Licensing Sub-Committee is not minded to revoke the licence in its entirety then the Licensing Authority would recommend that the Committee consider suspending the premises licence until such time as full compliance with the licence conditions has been demonstrated by the PLH, his address details have been updated, a new DPS has been named on the licence and that the licence conditions be amended as follows:

Current Licence Conditions

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. A digital CCTV system must be installed in the premises complying with the following criteria:
 - (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.
 - (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
 - (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.
 - (4). Provide a linked record of the date, time, and place of any image.
 - (5). Provide good quality images.
 - (6). Operate under existing light levels within and outside the premises.
 - (7). Have the recording device located in a secure area or locked cabinet.
 - (8). Have a monitor to review images and recorded picture quality.
 - (9). Be regularly maintained to ensure continuous quality of image capture and retention.
 - (10). Have signage displayed in the customer area to advise that CCTV is in operation.
 - (11). Digital images must be kept for 28 days.
 - (12). Police or authorised local authority employees will have access to images at any reasonable time.
 - (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. (manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.
3. Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees

upon request. If the system is not working correctly then the licensing authority or the Police shall be informed immediately and steps made to have the problem fixed. No licensable activities shall be permitted to take place should the CCTV not be fixed 48 hours after the CCTV is found to not be working.

4. All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.

5. The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.

6. A prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden.

7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.

Remove if music is removed from the licence.

8. Windows shall be closed by 22:00.

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

10. Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.

11. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

Remove if music is removed from the licence.

13. 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.

14. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Amend to: 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.

15. Live music shall be limited to two performers.

Remove if music is removed from the licence.

16. The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

17. Children shall only be permitted on the premises if accompanied by an adult.

18. Children under the age of 14 shall not be permitted on the premises after 21:00.

19. Children under the age of 18 shall not be permitted on the premises after 23:00.

20. Noise from the premises shall not create a nuisance to local residents.

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

22. 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.

23. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

Add:

- i. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

- ii. No more than 5 persons shall be permitted to smoke outside the front of the premises at any one time. The area shall be adequately supervised to control the number and behaviour of patrons and to ensure that they do not block the highway or cause a noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to use the area quietly.
- iii. Music shall not be provided at the premises at any time. Section 177A of the Licensing Act 2003 does not apply to this premises licence.

MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
7 February 2024

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : The Fox PH, 413 Green Lanes, LONDON, N13 4JD</p> <p>WARD : Palmers Green</p>	

1 LICENSING HISTORY - LN/200502204:

- 1.1 The Fox has held premises licence LN/200502204 since 30 September 2005 following a conversion application. The application, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 The premises licence holder (PLH) was Mr Joseph Murray and he was also the named Designated Premises Supervisor (DPS). Mr Murray remained named on the licence for both positions until the premises licence LN/200502204 was closed for administrative purposes (but not surrendered or revoked) in 2021 after annual fee payments had not been received since 29 September 2018. Officers had established that the premises was closed and a large part of the premises and car park had now become residential flats. The premises licence holder, Joseph Murray, did not respond to any communication.
- 1.3 No review or prosecution action was taken under this licence.
- 1.4 A copy of former premises licence LN/200502204 is attached as **Annex A**.

2 LICENSING HISTORY & CURRENT POSITION - LN/201900900:

- 2.1 On 20 February 2020, a new premises licence application was granted to The Fox, naming Star Pubs & Bars Ltd as the premises licence holder. The Police and Licensing Authority sought modification to the conditions, which the applicant agreed to and those representations were withdrawn. The premises licence was granted by officers in accordance with delegated powers, premises licence reference LN/201900900.
- 2.2 The licensable activities sought and granted were:

Table 1

Activity	Times
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays Films Performance of Dance	08:00 – 00:00 Everyday
Live Music Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

2.3 On 25 November 2022, a minor variation application was granted, to amend the plan following refurbishment works. This was not subject to any representations.

2.4 Mr Austin Whelan was named as the Designated Premises Supervisor (DPS) with effect from 22 December 2022. This was not subject to any representations.

2.5 On 4 December 2023, a vary DPS application was granted naming Mr James Sharkey as the new DPS. This was not subject to any representations.

2.6 No other review or prosecution action has been taken since premises licence LN/201900900 was issued.

2.7 A copy of the current premises licence LN/201900900 is produced as **Annex B/ Appendix 1**.

3 THIS APPLICATION:

3.1 On 19 December 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201900900 and is produced in **Annex B**, which also includes the Annexes to support that review.

3.2 The review application has been submitted as the Licensing Authority believes that the provision of music undermines the licensing objective - the prevention of public nuisance. The council have received several complaints from local residents regarding loud music emanating from The Fox. Statutory noise nuisances have been witnessed. A noise abatement notice has been served as another statutory noise nuisance was witnessed by Council Noise Officers. This

notice has been subsequently breached as officers witnessed further statutory noise nuisances.

- 3.3 As the premises is authorised for alcohol on sales, the premises currently benefits from being entitled to play live and recorded music between 8am and 11pm, as long as the audience does not exceed 500 persons.
- 3.4 Premises licence LN/201900900 permits various regulated entertainment, including live and recorded music, until latest 1am. Therefore regulated entertainment and any related conditions only come into effect at 11pm.
- 3.5 This review seeks to remove all regulated entertainment from premises licence LN/201900900 and to disapply the automatic entitlement under the provisions of Section 177A of the Licensing Act 2003 by adding a condition to the effect that regulated entertainment, including live music and DJ music are not permitted at any time.
- 3.6 Therefore, the premises would only be able to offer music at background level only.
- 3.7 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.8 Each of the Responsible Authorities were consulted in respect of the application.

4 RELEVANT REPRESENTATIONS:

- 4.1 No representations have been received from any of the Responsible Authorities in response to this review application.
- 4.2 **Other Persons** – one local resident has submitted a representation in support (SUP1) of the review as they experience noise disturbance from loud music from the pub. A copy of their representation can be seen in **Annex C**. The Licensing Team also received 16 objections (OP1 – OP16) to the review, namely in support of The Fox, from local residents, an MP and a ward councillor. A copy of these representations can be seen in **Annex D**.
- 4.3 **Premises Licence Holder** – The Premises Licence Holder has indicated that a written representation and acoustic report will be submitted by 30 January 2024, which is after the time this report was produced. Once it is received, it shall be provided in a Supplementary Report.

5 PROPOSED LICENSING HOURS, ACTIVITIES & CONDITIONS:

- 5.1 The amended timings and activities sought by this review application are set out in Table 2 below.

Table 2:

Activity	Current Times	Proposed Times through this Review
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Films	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Performance of Dance	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Live Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

5.2 If the Licensing Committee decide to modify the premises licence by adding further conditions to the premises licence, a copy of the proposed conditions arising from the review application can be seen in **Annex B/Appendix 7**.

6 RELEVANT LAW, GUIDANCE & POLICIES:

6.1 See **Annex E** for the guidance in relation to regulated entertainment.

6.2 Section 177A(4) of the Licensing Act 2003 states:

“On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to ... music as if—
 (a) the... music were regulated entertainment, and
 (b) the licence or certificate licensed the ... music.”

6.3 To assist, S.177A(4) can allow the Licensing Sub-Committee to add conditions to the premises licence, for example, noise control conditions which would apply throughout the hours of operation, as if the music was considered regulated entertainment.

6.4 It should be noted that the Licensing Authority are seeking a condition be applied to the premises licence which means that the premises licence should not have regulated entertainment to be permitted at all, at any time, and that this premises licence does not benefit from the usual entitlement for alcohol on supply premises for music, 8am to 11pm. The condition sought by this review effectively means the premises will only be permitted to play background music at all times.

Review:

- 6.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Decision:

- 6.6 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :

6.6.1 to modify the conditions of the licence;

6.6.2 to exclude a licensable activity from the scope of the licence;

6.6.3 to remove the designated premises supervisor

6.6.4 to suspend the licence for a period not exceeding three months;

6.6.5 to revoke the licence [Act s.52].

- 6.7 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review. [Guid s.11.20].

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

Contact Officer :
Ellie Green on 0208 379 3578

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

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200502204**

Part 1 – Premises Details

Postal address of premises :

Premises name : **The Fox PH**

Telephone number : **020 8882 1604**

Address : **Public House 413 Green Lanes LONDON N13 4JD**

Where the licence is time-limited, the dates : **Not time limited**

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 :

(1) Open to the Public - Whole Premises

Sunday : 10:00 - 00:30
Monday : 10:00 - 00:30
Tuesday : 10:00 - 00:30
Wednesday : 10:00 - 00:30
Thursday : 10:00 - 00:30
Friday : 10:00 - 19:00
Saturday : 10:00 - 19:00

Christmas Eve : 10:00 - 03:00,

New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(2) Open to the Public - Main Bar Only

Sunday : -
Monday : -
Tuesday : -
Wednesday : -
Thursday : -
Friday : 19:00 - 00:30
Saturday : 19:00 - 00:30

Christmas Eve : 10:00 - 03:00,

New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- (3) **Open to the Public - Function Room Only**
 Sunday : -
 Monday : -
 Tuesday : -
 Wednesday : -
 Thursday : -
 Friday : 10:00 - 03:00
 Saturday : 10:00 - 03:00
 Christmas Eve : 10:00 - 03:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (4) **Supply of Alcohol - On and Off Supplies - Whole Premises**
 Sunday : 10:00 - 00:00
 Monday : 10:00 - 00:00
 Tuesday : 10:00 - 00:00
 Wednesday : 10:00 - 00:00
 Thursday : 10:00 - 00:00
 Friday : 10:00 - 19:00
 Saturday : 10:00 - 19:00
 Christmas Eve : 10:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (5) **Supply of Alcohol - On and Off Supplies - Main Bar Only**
 Sunday : -
 Monday : -
 Tuesday : -
 Wednesday : -
 Thursday : -
 Friday : 19:00 - 00:00
 Saturday : 19:00 - 00:00
 Christmas Eve : 10:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (6) **Supply of Alcohol - On and Off Supplies - Function Room Only**
 Sunday : -
 Monday : -
 Tuesday : -
 Wednesday : -
 Thursday : -
 Friday : 10:00 - 02:00
 Saturday : 10:00 - 02:00
 Christmas Eve : 10:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

- (7) **Films - Indoors**
 Sunday : 10:00 - 00:00
 Monday : 10:00 - 00:00
 Tuesday : 10:00 - 00:00
 Wednesday : 10:00 - 00:00
 Thursday : 10:00 - 00:00
 Friday : 10:00 - 00:00
 Saturday : 10:00 - 00:00
 Christmas Eve : 10:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (8) **Live Music - Indoors - Main Bar**
 Sunday : 12:00 - 00:00
 Monday : 12:00 - 00:00
 Tuesday : 12:00 - 00:00
 Wednesday : 12:00 - 00:00
 Thursday : 12:00 - 00:00
 Friday : 12:00 - 00:00
 Saturday : 12:00 - 00:00
 Christmas Eve : 11:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (9) **Live Music - Indoors - Function Room Only**
 Sunday : -
 Monday : -
 Tuesday : -
 Wednesday : -
 Thursday : -
 Friday : 12:00 - 01:00
 Saturday : 12:00 - 01:00
 Christmas Eve : 10:00 - 01:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (10) **Recorded Music - Indoors - Main Bar**
 Sunday : 11:00 - 00:00
 Monday : 11:00 - 00:00
 Tuesday : 11:00 - 00:00
 Wednesday : 11:00 - 00:00
 Thursday : 11:00 - 00:00
 Friday : 11:00 - 00:00
 Saturday : 11:00 - 00:00
 Christmas Eve : 11:00 - 02:00,
 New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
- (11) **Facilities for Dancing - Indoors - Main Bar Only**
 Sunday : 11:00 - 00:00

Monday :	11:00 - 00:00
Tuesday :	11:00 - 00:00
Wednesday :	11:00 - 00:00
Thursday :	11:00 - 00:00
Friday :	11:00 - 00:00
Saturday :	11:00 - 00:00
Christmas Eve :	11:00 - 02:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(12) Late Night Refreshment - Indoors - Whole Premises & Main Bar

Sunday :	23:00 - 00:00
Monday :	23:00 - 00:00
Tuesday :	23:00 - 00:00
Wednesday :	23:00 - 00:00
Thursday :	23:00 - 00:00
Friday :	23:00 - 00:00
Saturday :	23:00 - 00:00
Christmas Eve :	23:00 - 01:30,
New Year's Eve :	23:00 - 05:00.

Part 2

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

Name :	Mr Joseph Murray
Telephone number :	[REDACTED]
e-mail :	[REDACTED]
Address :	The Fox PH, Public House, 413 Green Lanes, LONDON, N13 4JD

Registered number of holder (where applicable) :

Not applicable

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

Name :	Not applicable
Telephone number :	
Address :	

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

Name :	Mr Joseph Martin Murray
Telephone number :	[REDACTED]
e-mail :	[REDACTED]
Address :	[REDACTED]

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

Personal Licence Number :	[REDACTED]
Issuing Authority :	[REDACTED]

Premises Licence LN/200502204 was first granted on 30 September 2005.

Signed : [REDACTED]

Date : 15th December 2016

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



Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 2. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.**
- 3. Whenever music and dancing are provided, any portable electrical equipment (e.g. keyboards, amplifiers etc) shall be fed from a residual current device.**
- 4. There shall be a minimum of 2 staff members on duty at any one time.**
- 5. Staff shall call for taxis/min-cabs for customers on request.**
- 6. The maximum number of persons permitted in the main bar area on Friday and Saturdays from 19:00 - 00:30 shall not exceed 150.**
- 7. A dedicated area of the premises may remain open beyond closing time for the sole purpose of allowing patrons to wait within that area for pre-arranged transport (Minicabs etc).**
- 8. Signs are to be displayed at the front entrance, notifying patrons that there is no entry to the premises after 01:00 and no re-entry to the premises after 02:00.**
- 9. There shall be no entry to the premises after 01:00 and no re-entry to the premises after 02:00.**
- 10. A digital CCTV system must be installed in the premises complying with the following criteria:**
 - (1) Cameras must be sited to observe the entrance and exit doors both inside and outside and all floor areas used for licensable activity.**
 - (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
 - (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
 - (4) Provide a linked record of the date, time, and place of any image.**
 - (5) Provide good quality images.**
 - (6) Operate under existing light levels within and outside the premises.**

- (7) Have the recording device located in a secure area or locked cabinet.**
 - (8) Have a monitor to review images and recorded picture quality.**
 - (9) Be regularly maintained to ensure continuous quality of image capture and retention.**
 - (10) Have signage displayed in the customer area to advise that CCTV is in operation.**
 - (11) Digital images must be kept for 28 days.**
 - (12) Police or authorised local authority employees will have access to images at any reasonable time.**
 - (13) All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.**
 - (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**
-
- 11. Children under 18 shall only be permitted on the premises if accompanied by an adult over 21 and then only until 22:00. Children are not allowed at the bar.**
 - 12. A minimum of 2 door supervisors shall be employed if the premises open on Sunday to Thursday past midnight.**
 - 13. At least one door supervisor shall remain directly outside the premises for 15 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons.**
 - 14. A written entry and search policy must be adopted and implemented by door supervisors and made available to Police or the Local Authority on request.**
 - 15. Toilets at the premises shall be checked for any sign of drug use an average of hourly between 19:00 and close, and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6 months.**
 - 16. At least 6 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.**
 - 17. The premises shall operate a 'Think 25' proof of age scheme. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
 - 18. No drink shall be taken into the garden after 22:00.**
 - 19. A minimum of 4 door supervisors shall be employed on the premises on Friday and Saturdays from 21:00 until the premises have closed.**

- 20. An additional door supervisor must be employed in the function hall when the hall is open for licensable activities.**
- 21. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.**
- 22. The number of persons that may be accommodated within the Function Room for a closely seated audience shall not exceed 160.**
- 23. The bar area adjoining the Function Room shall not be used for dancing.**
- 24. All external doors and windows shall be kept closed but not locked during regulated entertainment.**
- 25. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.**
- 26. Whenever music and dancing are provided, the seating area shall be extended throughout the main bar to reduce vertical drinking.**
- 27. When employed, one door supervisor shall be positioned at each entrance to the premises. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing nuisance.**
- 28. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons from the premises and car park area.**
- 29. During regulated entertainment an effective counting system shall be used to ensure that the maximum capacity is not exceeded for each area.**
- 30. When regulated entertainment is taking place staff shall carry out noise assessments outside the premises approximately every hour and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Staff shall be trained in the action to take if they believe the premises may be causing a disturbance to local residents. Records shall be made available to an officer of the Council or Police upon request.**
- 31. Whenever the licence is in use the car park shall be available for use by for patrons.**
- 32. Staff shall be trained in the action to take in the event of an emergency. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.**
- 33. Litterbins and wall-mounted ashtrays shall be provided at the premises.**

34. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

35. The car park shall be locked at the most 30 minutes after closing time, and a sign shall be erected on the Fox Lane frontage, advising customers of this closure.

36. Whenever regulated entertainment is provided one door supervisor shall check the car-park every 30 minutes to ensure no noise or disturbance is being created by those using the car park. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records shall be made available to an officer of the Council or Police upon request.

37. After 22:00 a maximum of 25 people may be permitted to any designated and supervised smoking area associated with the public house and function room. These areas shall be clearly identifiable using signage.

38. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street.

39. All staff must receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

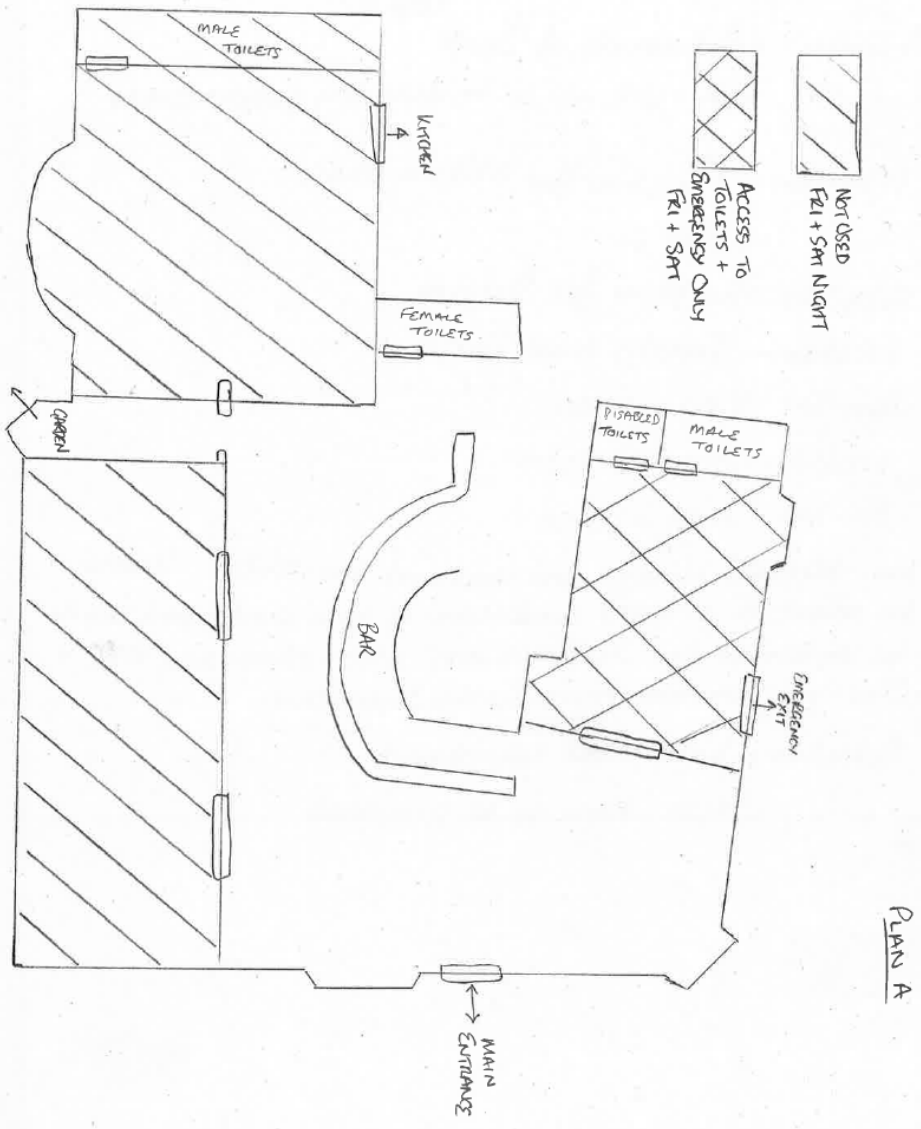
40. Conditions 2,8,9,13,14,19,27,28,29,30 and 36 do not apply to the Main Bar on Friday between 19:00 until close, and Saturday from 19:00 until close. The area of the premises which is included as the Main Bar is shown on Plan A.

41. All conditions will apply to the whole premises and Function Room during the remaining operating hours and the seasonal variations of hours.

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

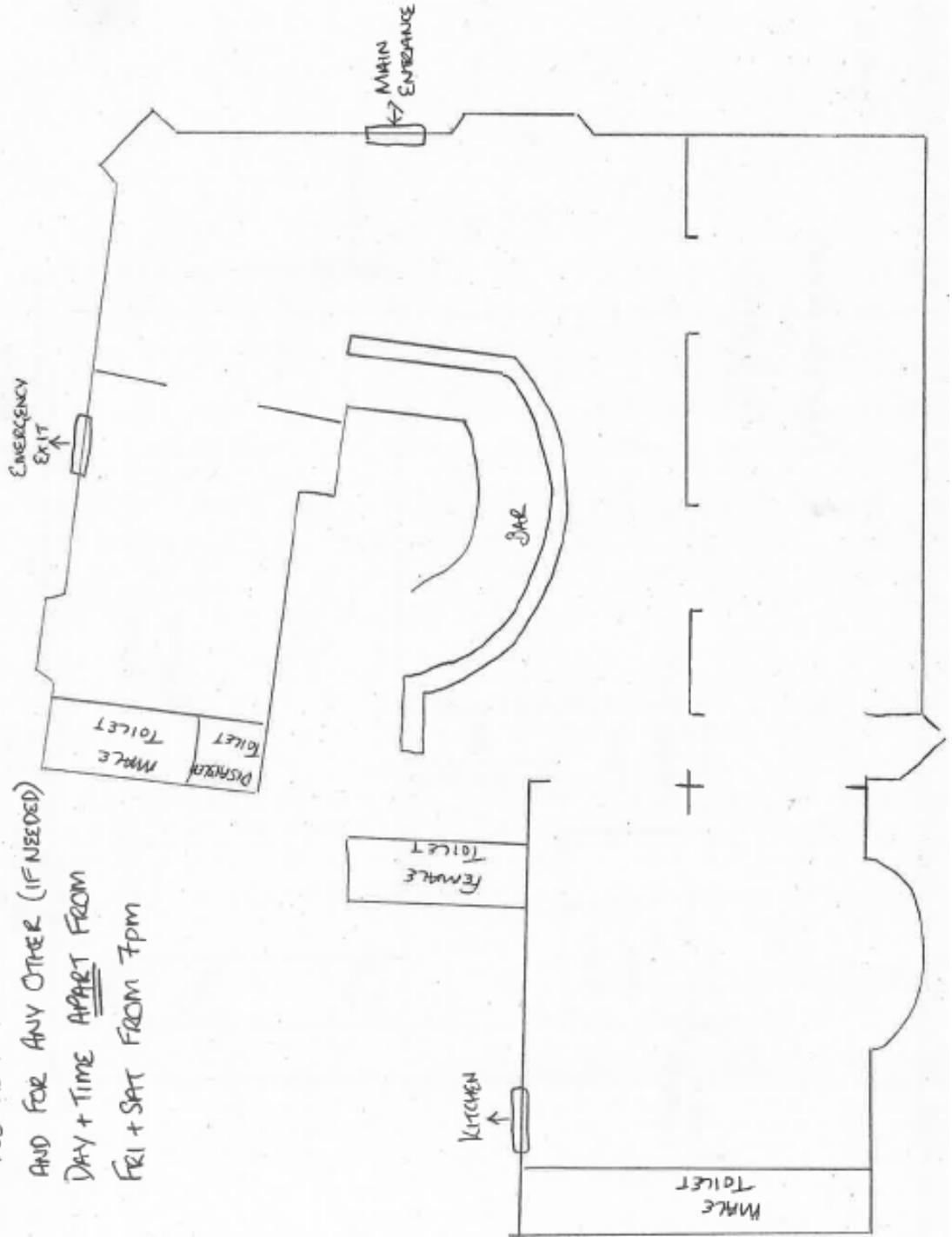
Not applicable

Annex 4 – Plans



PLAN B

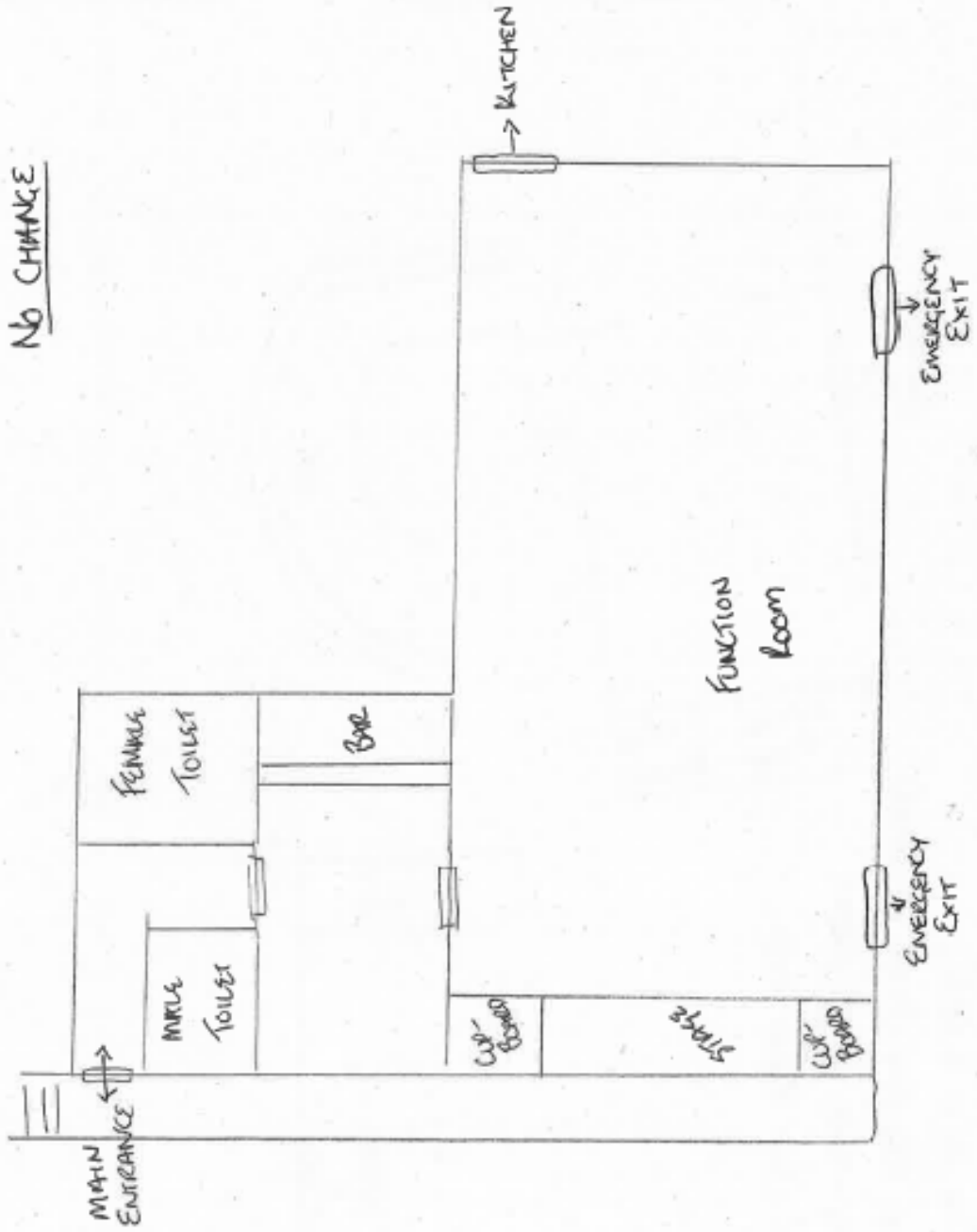
PUB AS IT IS NOW
AND FOR ANY OTHER (IF NEEDED)
DAY + TIME APART FROM
FRI + SAT FROM 7pm



Plans C

FUNCTION ROOM

NO CHANGE



Annex 1 – Mandatory Conditions

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

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

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

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

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

7. The responsible person must ensure that –

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

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

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

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

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Supply of alcohol under a Club Premises Certificate

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

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

Supply of alcohol from community premises

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

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

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

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

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

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

London Borough of Enfield

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

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I Victor Ktorakis, Senior Licensing Enforcement Officer

(Insert name of applicant)

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

Part 1 – Premises or club premises details

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

The Fox PH, 413 Green Lanes, LONDON, N13 4JD

Post town Palmers Green,
London

Post code (if known) N13 4JD

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

Star Pubs & Bars Ltd

Number of premises licence or club premises certificate (if known)
LN/201900900

Part 2 - Applicant details

I am

Please tick ✓
yes

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

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

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

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

Please tick ✓ yes

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

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number


E-mail address

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)
E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Victor Ktorakis Licensing Team B Block South Civic Centre Silver Street Enfield EN1 3XA	
Telephone number (if any)	
E-mail address	

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

Please tick one or more boxes ✓

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

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

The prevention of public nuisance licensing objective has been undermined: a statutory nuisance abatement notice has been served and subsequently breached. This is in relation to the considerable number of noise complaints received from local residents, who are being disturbed by live and recorded music, from The Fox.

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

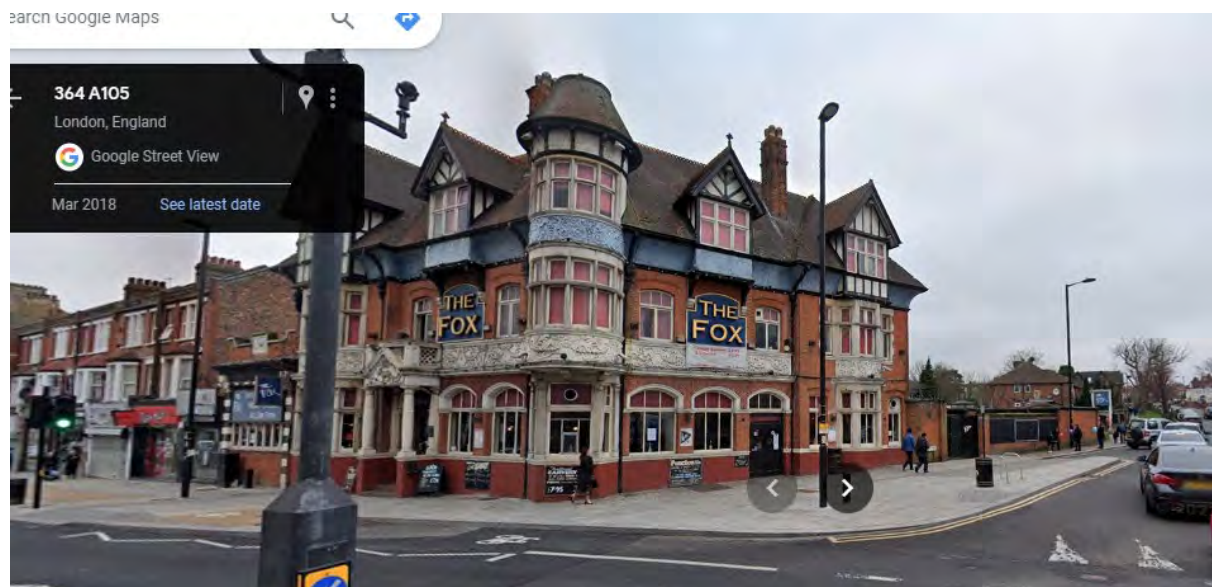
The Fox – Background History

The Fox held a previous licence at the same address, reference LN/200502204 which was issued on 30 September 2005. The licence was closed for administrative purposes (but not surrendered or revoked) in 2021 after annual fee payments had not been received since 29 September 2018 and officers established the premises was closed and a large part of the premises and car park had now become residential flats. The premises licence holder, Joseph Murray, did not respond to any communication.

No review or prosecution action was taken under this licence.

Google maps shows what The Fox looked like in March 2018 (see Image 1).

Image 1:



Premises Licence LN/201900900 – Background History

On 20 February 2020, a new premises licence application was granted to The Fox, naming Star Pubs & Bars Ltd as the premises licence holder. The Police and Licensing Authority sought modification to the conditions, which the applicant agreed to and those representations were withdrawn. The licensable activities sought and granted were:

Table 1

Activity	Times
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays Films	08:00 – 00:00 Everyday

Performance of Dance	
Live Music	23:00 – 00:00 Sun – Thurs
Recorded Music	23:00 – 01:00 Fri - Sat
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

On 25 November 2022, a minor variation application was granted, to amend the plan following refurbishment works. This was not subject to any representations.

Mr Austin Whelan was named as the Designated Premises Supervisor (DPS) with effect from 22 December 2022.

On 4 December 2023, a vary DPS application was granted naming Mr James Sharkey as the new DPS.

A copy of the current premises licence LN/201900900 is produced as **Appendix 1**.

No other review or prosecution action has been taken since premises licence LN/201900900 was issued.

Google maps shows what The Fox looked like in April 2022 and is similar to the current layout (see Image 2).

Image 2:



On the right-hand side of the pub, there are a large number of new residential homes (flats) in the new build, which are in close proximity to the re-opened The Fox pub.

Regulated Entertainment - Legal Provisions

Premises that have alcohol (on sales) on their premises licence are automatically entitled to provide regulated entertainment, including recorded and live music,

between the hours of 8am and 11pm. Therefore, any conditions relating to music or noise control for example, do not come into effect until 11pm.

However, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment throughout the entire operational hours of the premises. The condition should include a statement that Section 177A does not apply to the premises licence. This condition is being sought through this review.

History of Complaints & Officer Intervention in relation to The Fox:

Monday 5th June 2023: Complaint received from Resident 1 via email to the Licensing Team. Resident 1 states that they are disturbed by loud live music and other music and strong bass on Friday and Saturday nights and bank holidays from 7pm to 1am. They state that they have approached the pub manager to look into it. They can still hear the music which keeps them awake until the music is turned off.
COMPLAINT 1.

Wednesday 14th June 2023: Licensing Enforcement Officer (VPK) called The Fox. There was a message stating that the mailbox was full and then cut off. VPK then called John Pike (operations manager for Whelans pubs) on mobile and left message explaining nature of complaint and requested a call back.
OFFICER ADVICE 1.

Thursday 15th June 2023: VPK visited The Fox to discuss the noise complaints and other matters prevalent at that time. Spoke to John (assistant manager). VPK advised of the noise complaints received and how to prevent reoccurrence. An inspection report was left with John, see **Appendix 2.**
OFFICER ADVICE 2.

Thursday 13th July 2023 at 21:50: Council received a complaint from Resident 1 via the online form regarding noise. Resident 1 stated they were being disturbed by loud music and bass since 20:00 and was still ongoing. They stated that this noise disturbance occurs every Friday and Saturday night.
COMPLAINT 2.

Friday 14th July 2023: VPK called and left message for John Pike, Operations manager for Whelan Pubs. Explained nature of complaint and asked for call back.
OFFICER ADVICE 3.

Monday 17th July 2023 at 22:34: Council received a noise complaint from Resident 1 regarding noise via the online form. Resident 1 stated that they could hear live jazz music. They also stated that they could hear [REDACTED]. Resident 1 advised that loud music is played every Thursday, Friday and Saturday nights.
COMPLAINT 3.

Also on Monday 17th July 2023: VPK called and spoke to Tony Curran, the area manager for The Fox and discussed complaints. He advised they have moved the

bands to the far end of the premises, directly below the flat owned by the pub. The live bands are acoustic only. VPK advised that there was a complaint regarding noise on a Thursday. Tony advised that he would look into it and update VPK.

OFFICER ADVICE 4.

Thursday 20th July 2023 at 22:34: Council received a complaint from Resident 1 regarding loud music via online form. Resident 1 stated that they were being disturbed by loud live music and the use of the microphone at the pub.

COMPLAINT 4.

Saturday 22nd July 2023 at 21:08: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (CLB) arrived outside the pub at 22:30. The music was audible from the street and across the road on Fox Lane. The officer visited the complainant and made observations from their living room. The music was clearly audible. Statutory nuisance witnessed. Officer did not enter premises and speak to staff at this time.

COMPLAINT 5.

STATUTORY NUISANCE WITNESSED 1.

Wednesday 16th August 2023: VPK met at The Fox with Tony Curran (regional manager) and discussed the complaints received and also the nuisance that was witnessed by the noise officer on 22nd July 2023. Tony Curran advised that they are monitoring the level of the music. VPK advised that they should be making subjective noise assessments from outside and around the perimeter of the premises at regular intervals when music is being provided. I mentioned that local residents can also hear [REDACTED] from inside their homes. Tony Curran stated he is willing to get the company that installed the sound insulation back to check. Tony Curran also mentioned he will be at the pub for the next 3 weekends and will personally monitor the situation. VPK advised that if a nuisance is witnessed again, a notice will be served and the licence may be reviewed. **OFFICER ADVICE 4.**

Friday 18th August 2023 at 22:50: OOH noise officers were tasked to undertake observations of music from The Fox. The noise officer undertook the observations at 22:50. The music was at a low level, and could not be heard from outside the premises, not even outside front door of The Fox. The music was not deemed to be of a statutory nuisance as it was controlled and low level. Officers observed the premises for approximately 15 minutes.

Wednesday 6th September 2023 at 23:46: Council received a complaint from Resident 2 regarding loud music via online form. Resident 2 stated that they were disturbed by a large group of screaming drunk men inside and outside The Fox, and also loud singing, since 23:00. The music was reported to have continued until midnight. VPK viewed a video of this report taken by Resident 2 inside their home and observed music and singing could clearly be heard. Lyrics to 'sweet Caroline' could be heard very clearly and was evident that the audience were also singing along.

COMPLAINT 6.

Thursday 7th September 2023: Council received a complaint from Resident 3 via online form, regarding very loud, live music which occurs every Saturday. Resident 3

states the music is so loud, it disturbs their peace and they experience headaches every weekend.

COMPLAINT 7.

Friday 15th September 2023: Commercial Nuisance Officer (JI) sent a warning letter sent to Star Pubs & Bars Ltd as the premises licence holder about the noise and a copy is produced as **Appendix 3.**

OFFICER ADVICE 5.

Friday 6th October 2023 at 22:19: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (MW) visited the home of Resident 1 at 23:05. Noise officer observed the noise from music to be slightly audible but not a statutory nuisance at this time. The noise officer visited the premises and spoke to James Sharkey (who since became the DPS on 4th December 2023) and advised him of the complaint.

COMPLAINT 8.

OFFICER ADVICE 6.

Saturday 14th October 2023 at 21:09: Council's Out of Hours (OOH) Noise officers received a call from Resident 3 regarding loud music. Noise officer (CLB) visited the home of Resident 3 at 22:25. On arrival, music could be heard from outside of The Fox from 15 metres away. Loud music could then be heard from inside Resident 3's home, and song lyrics could be heard word for word. The noise officer could hear the words from the singer talking even with the microphone off. The noise officer observed that it appeared that there was no or very little sound insulation between the pub and the flats, and, that no regard given was given by staff to their neighbours. The noise officer was satisfied that the noise was of such a level it was deemed a statutory noise nuisance.

COMPLAINT 9.

STATUTORY NUISANCE WITNESSED 2.

Saturday 21st October 2023 at 23:04: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (DWD) visited the home of Resident 1 at 23:25. The noise officer heard very heavy, repetitive bass music from the living room and the bedroom. The noise officer stated that the noise was deemed a statutory nuisance for Resident 1. The noise officer also heard [REDACTED] within Resident 1's home. The noise officer visited The Fox at 23:40 and advised staff of the complaint and observations. Staff reduced the music volume and bass whilst the officers were on site.

COMPLAINT 10.

OFFICER ADVICE 7.

STATUTORY NUISANCE WITNESSED 3.

Wednesday 1st November 2023: Noise officer (CLB) served Section 80 noise nuisance abatement notices served on Star Pubs & Bars Ltd and Austin Whelan (the DPS at this time), see **Appendix 4 and 5** respectively.

OFFICER ADVICE 8.

Monday 20th November 2023: VPK spoke with Austin Whelan (the DPS at that time) on the phone, and Austin confirmed he had received the noise nuisance

abatement notice. He stated he the managers had not advised him of the noise concerns. VPK enquired whether Tony Curran had spoken to him about the noise concerns, and Austin advised that he had, however, Tomy led Austin to believe that everything was ok. Auston stated that he had problems with the landlords and had a meeting booked with Star Pubs & Bars Ltd the following week. Austin mentioned that the pub is experiencing water leaks from the flats, which has meant the kitchen had to close. Austin went on to state that the main building contractor for the flats has gone bankrupt, and that he thought that the sound insulation for the pub is unlikely to be adequate. Austin advised VPK that he would do whatever he can to reduce the noise so that it is no longer causing a nuisance. VPK advised that poor sound insulation may be a contributing factor as even the [REDACTED] can be heard in the flats.

OFFICER ADVICE 9.

Saturday 2nd December 2023 at 21:26: Council's Out of Hours (OOH) Noise officers received a call from Resident 2 regarding loud music. Noise officer (JI) arrived outside the pub at 22:32. Walking past the pub, the noise officer could clearly hear the music through the entrance doors. The inner doors were closed and the outer doors were propped open. The noise officer then attended Resident 2's home and observed loud music and singing that could clearly be heard in the lounge. The noise officer could clearly hear the song lyrics and also the person speaking on the microphone. Bass was also coming up through the floor. The noise officer noted that the noise was extremely intrusive and was preventing the enjoyment of the owner's home. The applause and cheering from the audience was also loud. The noise officer confirmed this was a statutory noise nuisance and a breach of the noise nuisance abatement notice. The noise officer entered The Fox at 23:45 and spoke to a member of staff, James Padraig. James was advised that a statutory nuisance had been witnessed again and this would be brought to the attention of Licensing Enforcement. James Padraig advised the noise officer that music had been louder earlier in the evening, but he had reduced the volume following his findings on his sound check walk about. Due to the noise officer's arrival and observations, the band ceased playing for the night.

COMPLAINT 11.

OFFICER ADVICE 10.

STATUTORY NUISANCE WITNESED 4.

Friday 15th December 2023: Commercial nuisance officer (JI) served a Fixed Penalty Notice (FPN) on Star Pubs & Bars Ltd for the breach of the noise nuisance abatement notice observed on 2 December 2023. The FPN is £400 and must be paid by 12 January 2024. A copy of the FPN is produced in **Appendix 6**.

The Fox Website:

The Fox has a website: <https://whelanspubs.co.uk/whelans-premium/the-fox/> which mentions live music and entertainment being a prominent feature of the pub's activity:

Image 3:

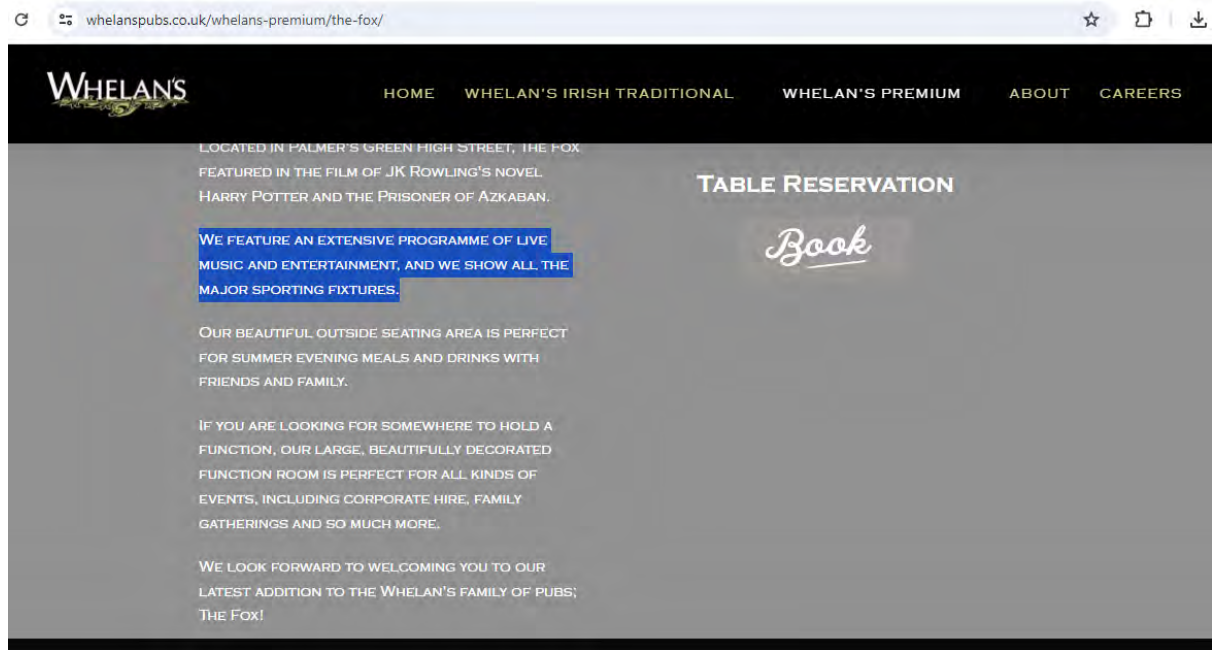


Image 4:

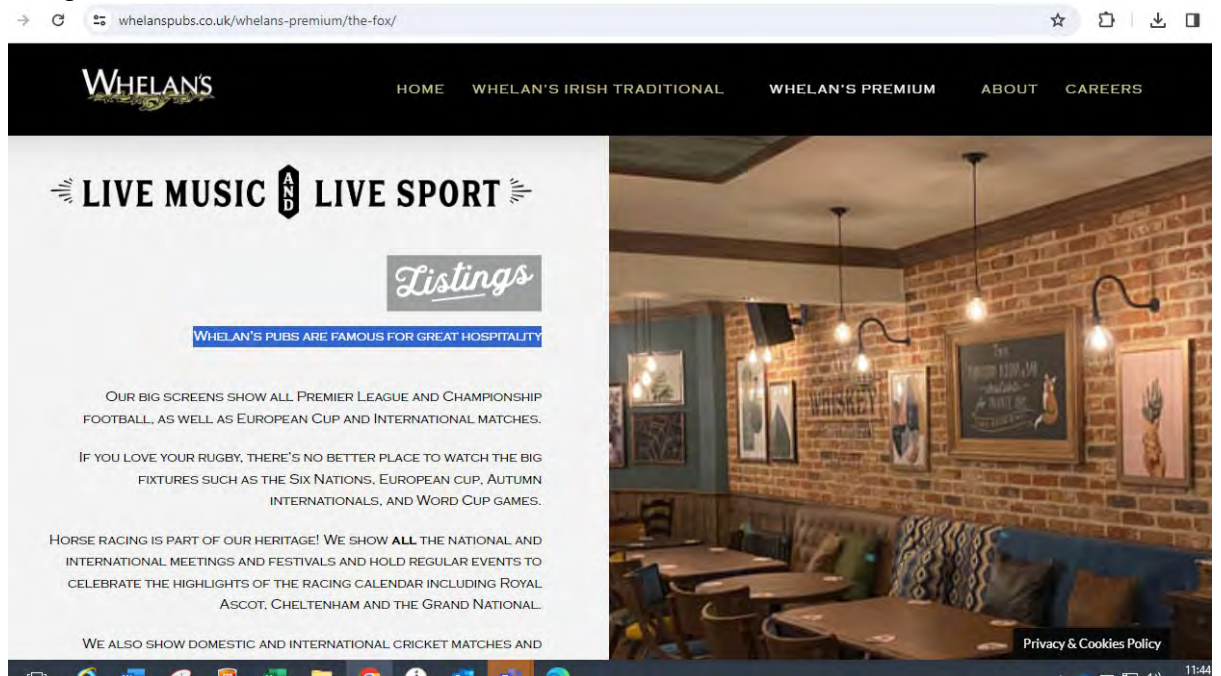
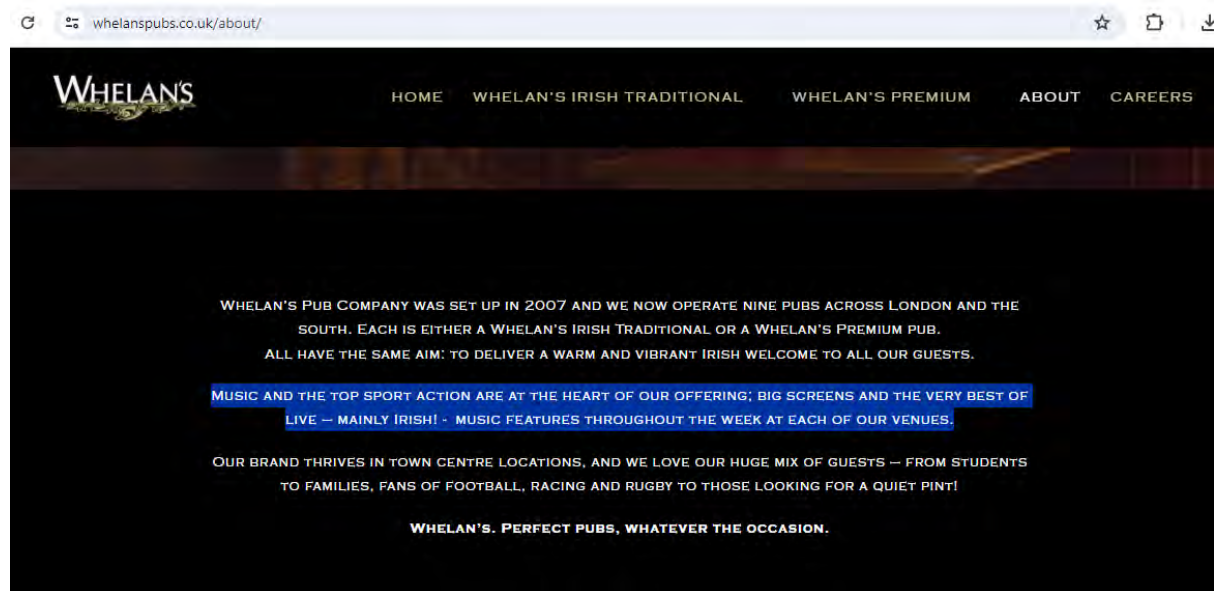


Image 5:



The premises are also advertising Christmas Party Nights, Image 6:



Facebook:

The Fox has a Facebook profile (<https://www.facebook.com/profile.php?id=100086772217525>) which advertises a range of events involving music, such as:

- Friday's by DJ MikeyMAC;
- Saturday live music 9pm to 11pm, various artists;
- Monday jazz music, various artists;
- Christmas party nights, as per website advert above.

Image 7:

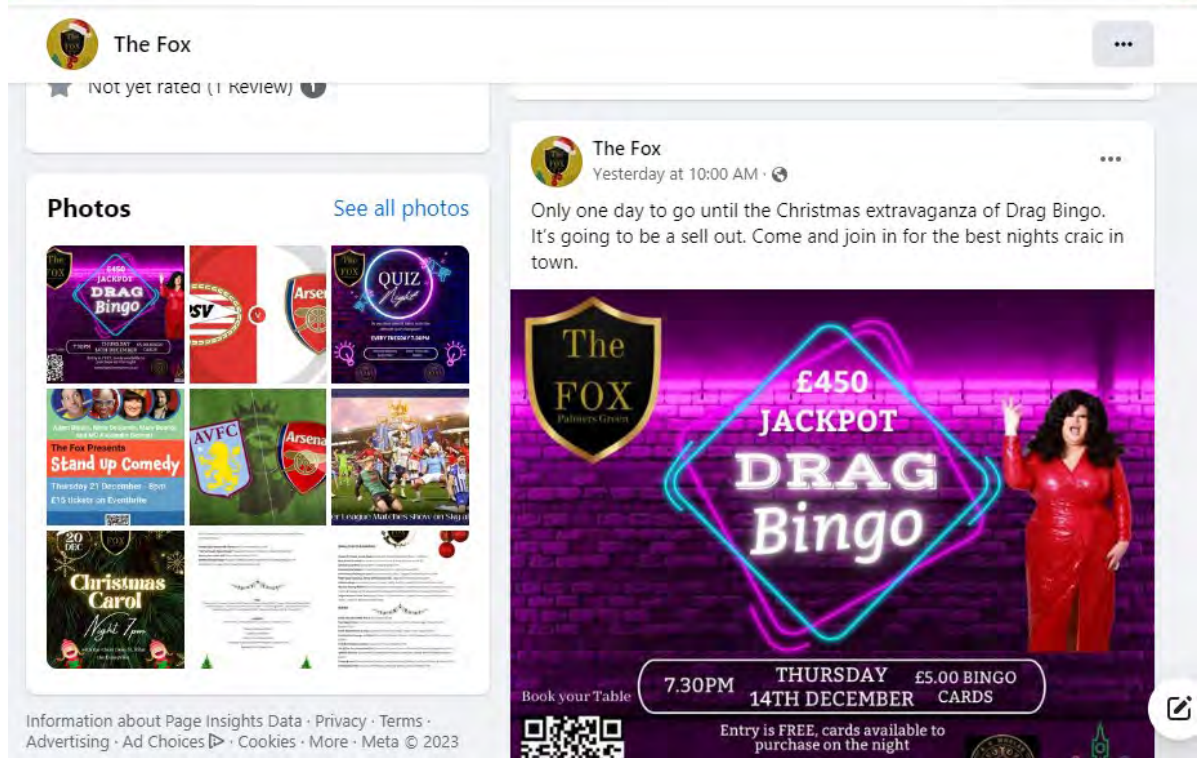


Image 8:

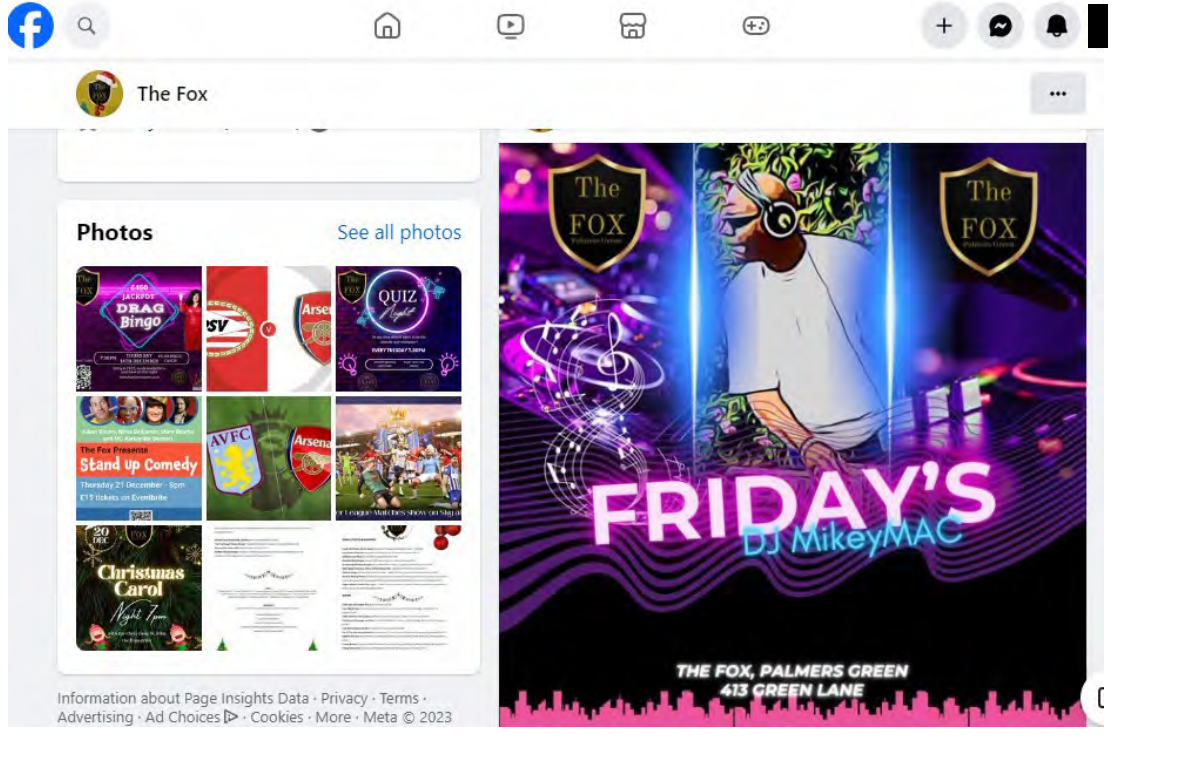


Image 9:

 The Fox ⋮

[utm_source=linktree_profile_share&itsid=293970d1-ba83-4fd0-be2b-886cb7d1fbb4](#)

 Open now ▼


 Dine-in ·  Outdoor seating ·  Online booking...


 Not yet rated (1 Review) i

Photos See all photos





Image 10:

 The Fox ⋮

 The Fox
November 25 at 12:41 PM · 🌐 ⋮


Photos See all photos








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9pm-11pm


Image 11:


 The Fox ...

 Dine-in ·  Outdoor seating ·  Online booking...


 Not yet rated (1 Review) 

Photos [See all photos](#)



 The Fox ...
November 18 at 5:28 PM · 🌐

The very talented Colin Andrew will be performing live tonight.



LIVE MUSIC
Featuring
SATURDAY 11TH
9PM - 11PM
COLIN ANDREW
The Fox, Palmers Green

Image 12:

 The Fox ...

Photos [See all photos](#)



JAZZ MONDAYS

 **@The Fox 413** 
Green Lanes N13 4JD
SECOND SEASON
October - December
LONDON'S FINEST JAZZ ARTISTS

 ADAM GLASSER Oct 30 th	 RACHAEL COHEN Nov 6 th	 JOHN PARRICELLI Nov 13 th
 HENRY LOWTHER Nov 20 th	 TONY KOFI Nov 27 th	 ALAN BARNES Dec 4 th

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Image 13:

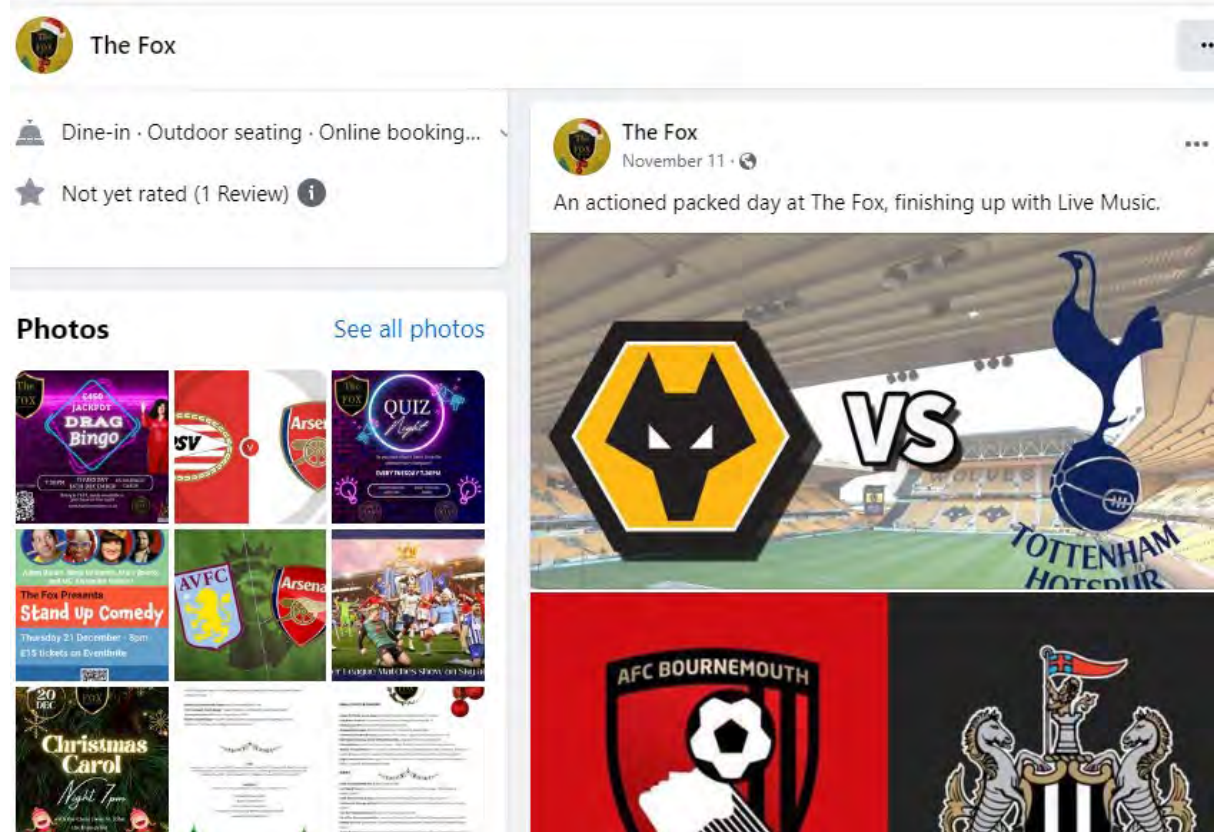


Image 14:

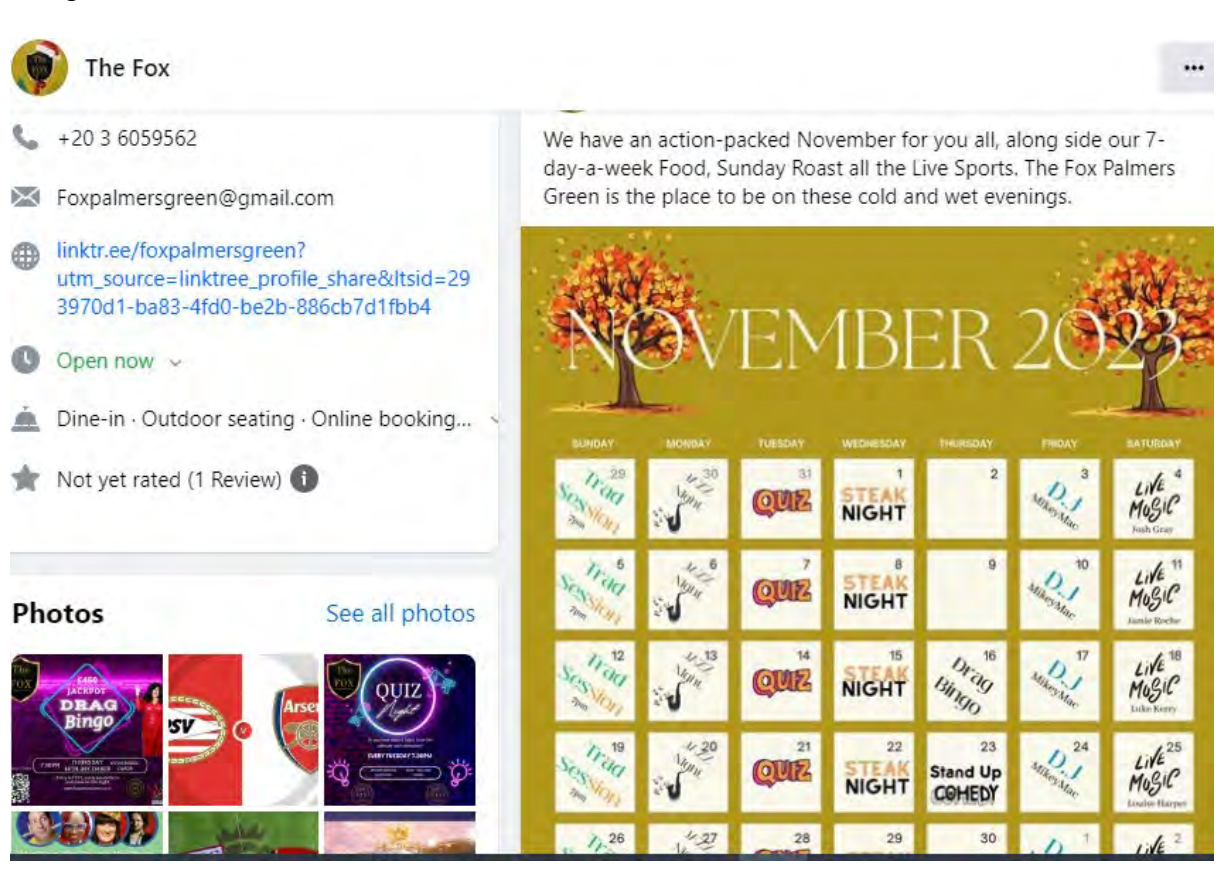
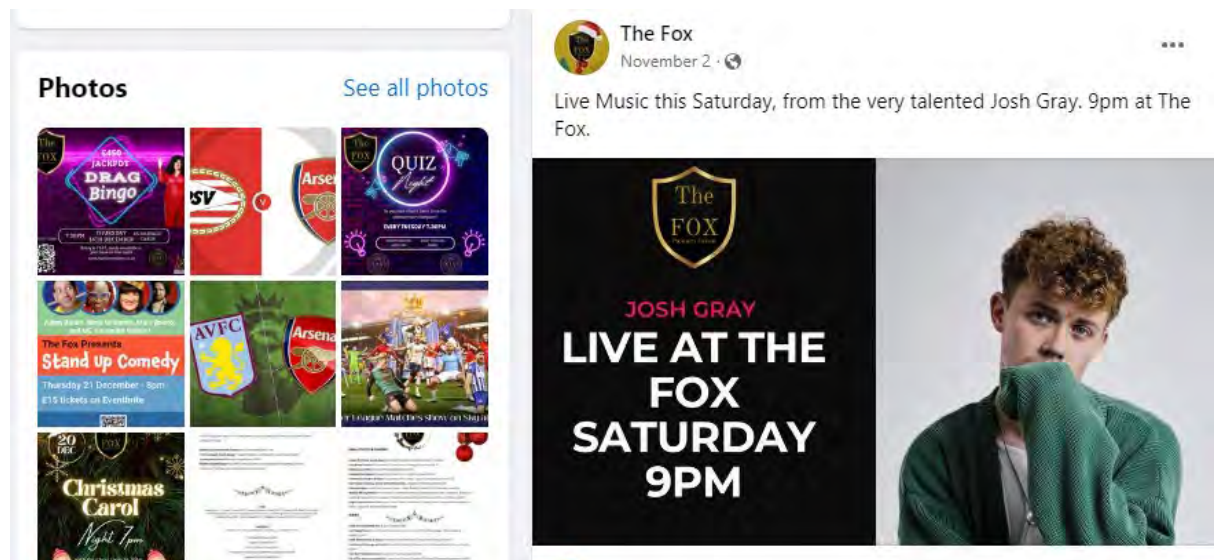


Image 15:



To summarise:

- The complaints made to the council have been received by three different residents, each on more than one occasion.
- 11 noise complaints from residents have been made between 5th June 2023 and 2nd December 2023.
- In response to these complaints, noise officers have witnessed music to be at such a level that it was deemed to be a statutory noise nuisance on 4 separate occasions.
- Three different noise officers have established the statutory noise nuisances.
- Officers have provided advice to staff at the premises at the time of the complaint, and after the event, on 10 occasions.
- Times of noise complaints received: 21:08, 21:09, 21:26, 21:50, 22:19, 22:34 (x 2), 23:04, 23:46 and generally between 7pm and 1am.
- Times of statutory noise nuisance witnessed:
 - 22:30 on 22/7/23
 - 22:25 on 14/10/23
 - 23:25 on 21/10/23
 - 22:32 on 2/12/23

The noise officers are of the view that the premises is not suitable for music other than only background level, at any time of day. The sound insulation in the building is simply not adequate. The music events are all advertised in such a manner, that they cannot be deemed incidental music.

Seek:

To conclude, the premises is not deemed to be a suitable venue to provide regulated entertainment (music above background level) at any time. No conditions would be

strong enough to control the sound level issues stemming from any regulated entertainment. We therefore seek to remove all music from the licensable activities of the premises licence, as follows in Table 2:

Table 2:

Activity	Current Times	Proposed Times through this Review
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Films	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Performance of Dance	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Live Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

Furthermore, this review also requests that the Licensing Sub-Committee apply the following condition to the premises licence:

Section 177A does not apply to this premises licence, therefore no regulated entertainment is permitted at any time, including live music and DJ.

The full list of conditions relevant to this review application are produced in **Appendix 7**.

Please tick ✓ yes

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

If yes please state the date of that application

Day Month Year

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

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

--

Please tick ✓ yes

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

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

Part 3 – Signatures (please read guidance note 4)

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

Signature *Victor Ktorakis*

.....

Date **19 December 2023**

.....

Capacity **Senior Licensing Enforcement Officer**

.....

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

Post town

Post Code

Telephone number (if any)

E-mail address

Notes for Guidance

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

Licensing Act 2003



PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number: LN/201900900

Part 1 – Premises Details

Premises Name and Address: The Fox PH,
413 Green Lanes, LONDON, N13 4JD

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	08:00-01:00
Monday	08:00-01:00
Tuesday	08:00-01:00
Wednesday	08:00-01:00
Thursday	08:00-01:00
Friday	08:00-02:00
Saturday	08:00-02:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 08:00 - 02:00</p> <p>Monday Bank Holiday : 08:00 - 02:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 08:00 - 02:00</p> <p>(if on a Friday to Saturday) : 08:00 - 03:00</p> <p>Boxing Day : (if on a Sun to Thursday) :</p>

	<p>08:00 - 02:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>08:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p>
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Location	On & Off Supply
Activity	Supply of Alcohol
Sunday	10:00-00:00
Monday	10:00-00:00
Tuesday	10:00-00:00
Wednesday	10:00-00:00
Thursday	10:00-00:00
Friday	10:00-01:00
Saturday	10:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 10:00 - 01:00</p> <p>Monday Bank Holiday : 10:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 10:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>10:00 - 02:00</p> <p>Boxing Day : (if on a Sun to Thursday) : 10:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>10:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

	In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.
--	---

Location	Indoors
Activity	Plays
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	Indoors
Activity	Films
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 08:00 - 01:00</p> <p>Monday Bank Holiday : 08:00 - 01:00</p> <p>Christmas Eve : Mon to Sun : 08:00 - 01:00</p> <p>Boxing Day : Mon to Sun : 08:00 - 01:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

Location	Indoors
Activity	Live Music
Sunday	23:00-00:00
Monday	23:00-00:00
Tuesday	23:00-00:00
Wednesday	23:00-00:00
Thursday	23:00-00:00
Friday	23:00-01:00
Saturday	23:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:00</p> <p>Monday Bank Holiday : 23:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p> <p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

Location	Indoors
Activity	Recorded Music
Sunday	23:00-00:00
Monday	23:00-00:00
Tuesday	23:00-00:00
Wednesday	23:00-00:00
Thursday	23:00-00:00
Friday	23:00-01:00
Saturday	23:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:00</p> <p>Monday Bank Holiday : 23:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p>

	<p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) : 23:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
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Location	Indoors
Activity	Performance of Dance
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	Indoors
Activity	Late Night Refreshment
Sunday	23:00-00:30
Monday	23:00-00:30
Tuesday	23:00-00:30
Wednesday	23:00-00:30
Thursday	23:00-00:30
Friday	23:00-01:30
Saturday	23:00-01:30
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:30</p> <p>Monday Bank Holiday : 23:00 - 01:30</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:30</p> <p style="text-align: right;">(if on a Friday to Saturday) : 23:00 - 02:30</p> <p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:30</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p>

	<p>23:00 - 02:30</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p>
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Part 2

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

Name: Star Pubs & Bars Ltd

Address: 3-4 Broadway Park, South Gyle Broadway, Edinburgh,
EH12 9JZ

Registered number of holder (if applicable):

SC250925

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

Name: Mr James Sharkey

Address:

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

Personal Licence Number:

Issuing Authority:

Birmingham City Council

Signed

Date: 4 December 2023

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. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:**
 - (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.**
 - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;**
 - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;**
 - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;**
 - (e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;**
 - (f) The system will record in real time and recordings will be date and time stamped;**
 - (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.**
 - (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.**

- 3. An Incident log shall be kept at the premises in either handwritten or electronic format and made available, on request, to an authorised officer of the Council or the Police, which will record the following:**
 - (a) all crimes reported to the venue**
 - (b) all ejections of patrons**
 - (c) any complaints received**
 - (d) any incidents of disorder**
 - (e) any visit by a relevant authority or emergency service**

- 4. 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.

5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

6. All windows and external doors shall be kept closed during regulated entertainment, except for the immediate access and egress of persons.

7. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

8. The outside seating area shall be cleared of all tables and chairs by no later than 23:00 hours.

9. Customers shall not be permitted to take drinks outside after 23:00 hours.

10. All off sales shall be made in a sealed container.

11. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed in the premises.

12. 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.

13. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

14. Children aged under 18 years shall only be permitted on the premises when accompanied by an adult.

15. Children under the age of 16 shall only be permitted on the premises until 21:00 hours and children over 16 but under the age of 18 shall only be permitted on the premises until 23:00. An exception to this shall be when the premises are hired out for private functions such as weddings.

16. All staff 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.

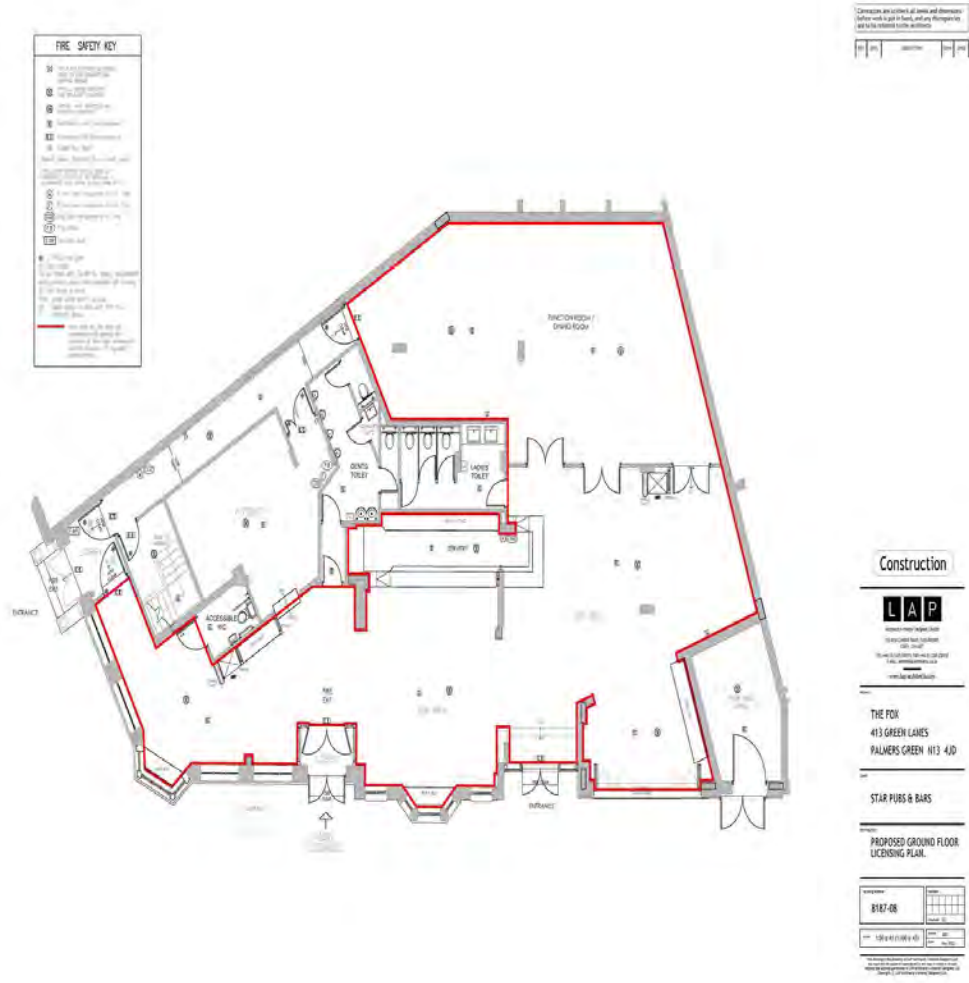
17. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

18. The premises licence holder or DPS shall give the Licensing Authority at least 7 days' notice prior to using the non-standard timings relating to a recognised international sporting event including the timings of the event.

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

Not applicable

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

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

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

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

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

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

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

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

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

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

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

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

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

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

Supply of alcohol under a Club Premises Certificate

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

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

Supply of alcohol from community premises

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

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

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

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

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

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

REF: WK/

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	The Fox	
Premises Address	413 Green Lane N13 4JD	
Time of Visit:	Start: 12:10	Finish: 12:30

During an inspection of your premises on 15th June.....2025....., the following was checked:

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

No. of condition not in compliance	Evidence/Advice
	visit regarding recent noise complaints and barriers/planters.
	Spoke to John and advised re noise noise complaints. Also advised that barriers must be removable and no planters allowed.

Any other matter(s) that need addressing:
 Please see conditions of Tables and Chairs licence

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

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: Victor Ktoravlis	Signature: [Redacted]
[Redacted]	Print Name & Position: John Davenport, ASSISTANT MANAGER.
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel of recipient:

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



The Owner(s)
 The Fox
 413 Green Lanes
 LONDON
 N13 4JD

Please reply to: Mr Joynul Islam
 Pollution Control & Planning
 Enforcement,
 Civic Centre, Silver Street,
 Enfield, EN1 3XY

E-mail: [REDACTED]

Tel: [REDACTED]

Date: **15/09/2023**

Dear Sir/Madam

Environmental Protection Act 1990.

Premises: The Fox PH, 413 Green Lanes, LONDON, N13 4JD

Alleged Nuisance: "Noise from loud music every Saturday, and also on Wednesday 7 September 2023 till midnight"

It has been brought to my attention that noise from activities at or associated with these premises is affecting local residents. This matter has not been fully investigated and this letter does not necessarily imply that a nuisance is being caused.

The purpose of this letter is to bring to your attention the provisions of the law with reference to Noise Nuisance. I would ask you to consider whether any noise or activities at these premises could cause a disturbance to other residents, and if so, to take whatever measures are possible to abate the noise.

If satisfied that the complaint is justified a formal notice under Section 80 of the above Act may be served specifying whatever steps are necessary to abate the nuisance and/or prevent the recurrence. Failure to comply with such a Notice would constitute an offence for which a fine of up to £unlimited (commercial) or ~~£5,000 (residential)~~ can be imposed on conviction.

In the circumstances, I would strongly urge you to consider the above information and if appropriate to ensure that any noise from activities on your premises is kept to a minimum. I also advise that Licensing Enforcement officers are investigating the same matter.

However, if you feel you have been wrongly identified, or that the complaint is unjustified or would like to discuss the matter further please do not hesitate to contact me.

Yours faithfully

[REDACTED]

Joynul Islam
 Environmental Protection (Commercial Nuisance) Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

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

Website: www.enfield.gov.uk

Appendix 4



Star Pubs & Bars Ltd
3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ

Please reply to: Charles Le Besque
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH
E-mail : [REDACTED]
My Ref : [REDACTED]
Your Ref :
Date : 1 November 2023

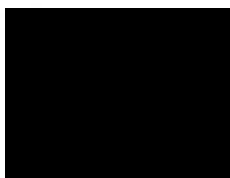
Dear Star Pubs & Bars Ltd,

Re: Environmental Protection Act 1990

Address: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]

Yours sincerely



Charles Le Besque
Principal Officer (Public Health)
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

www.enfield.gov.uk

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Star Pubs & Bars Ltd

Of: 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] ~~likely~~ ~~occurrence~~ ~~recurrence~~ of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, within the district of the said Council arising from:

Amplified music and voices

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] ~~owner~~ ~~occupier~~ of the premises, **The Fox PH, 413 Green Lanes, LONDON, N13 4JD**, from which the noise is or would be emitted ~~forthwith~~ **[within 7 days]** from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is ~~injurious to health~~ [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

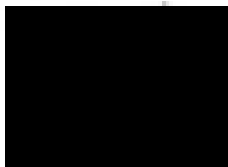
[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

/contd

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:



Charles Le Besque
Principal Officer (Public Health)

Dated 1st November 2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B



Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.





Mr Austin Whelan
[Redacted]

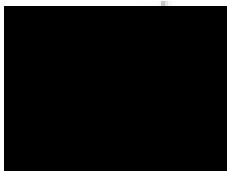
Please reply to: Charles Le Besque
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH
E-mail : [Redacted]
My Ref : [Redacted]
Your Ref :
Date : 1 November 2023

Dear Mr Whelan,

Re: Environmental Protection Act 1990
Address: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [Redacted]

Yours sincerely




Charles Le Besque
Principal Officer (Public Health)
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

www.enfield.gov.uk

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

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Mr Austin Whelan

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] ~~likely occurrence~~ ~~recurrence~~ of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, within the district of the said Council arising from:

Amplified music and voices

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] ~~owner~~ ~~occupier~~ of the premises, **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, from which the noise is or would be emitted ~~forthwith~~ ~~within 7 days~~ from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is ~~injurious to health~~ [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

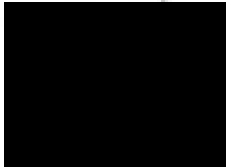
/contd

[REDACTED]

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:

A solid black rectangular box redacting the signature of Charles Le Besque.

Charles Le Besque
Principal Officer (Public Health)

Dated 1 November 2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B

A solid black rectangular box redacting text at the bottom of the page.

Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act).]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.



Notice number: [REDACTED]
 FPN_LLA & EPA 1990

**FIXED PENALTY NOTICE:**

**London Local Authorities Act 2004
 (Schedule 2)**

OFFENCE: BREACH OF A SECTION 80 ABATEMENT NOTICE

**Star Pubs & Bars Ltd
 3-4 Broadway Park
 South Gyle Broadway
 Edinburgh
 EH12 9JZ**

I, Joynul Islam, an authorised officer of Enfield Council has reason to believe that you have committed an offence, details of which are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of **£400**. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of this notice. The expiration date is **12/01/2024**. You will not be liable to conviction for the offence if you pay the fixed penalty before 28 calendar days. An early payment discount will apply if the penalty is paid before the end of the period of 14 calendar days beginning with the date of this notice. The last date for early payment is **05/01/2023**. The amount to be paid for an early payment discount is **£240**.

Date of offence:
 02/12/2023

Location of offence:
 The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Offence:
 Breach of Section 80 Abatement Notice served under Environmental Protection Act 1990

Circumstances alleged to constitute the offence:
 Statutory Nuisance caused by the playing of loud music, in breach of the Section 80 Abatement Notice which was served on 01/11/2023.

PLEASE NOTE: If you do not pay the fixed penalty within the period of 28 calendar days, you are liable to be prosecuted for the offence described above and if convicted could receive a fine of up to an 'unlimited' amount in the Magistrates Court.

Signature of Authorised Officer [REDACTED]	Name	Joynul Islam
	Date	15/12/2023

Environmental Protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

PAYMENT INFORMATION IS GIVEN ON THE BACK OF THIS NOTICE

Notice number: [REDACTED]
FPN_LLA & EPA 1990

HOW TO PAY YOUR FIXED PENALTY NOTICE

You can pay by debit/credit card, or cheque:

Online

Visit the Council website: www.enfield.gov.uk

[Click '**Make a Payment**' on the home page. Then click '**Pay a penalty Notice**' under the sub-section 'Other'. Click on '**Pay a Fixed Penalty Notice (FPN) prefixed with WK/**']

Internet or phone banking

Pay us directly into the London Borough of Enfield bank account using account number: 81228307 and sort code: 40-20-23 (HSBC Bank), **quoting your notice number** [REDACTED] **as the reference.**

By Post:

Send a cheque made payable to: London Borough of Enfield. Write the notice number [REDACTED] and cost code **ES0198 67703** on the back of the cheque.

Post to:

Exchequer Services
London Borough of Enfield
Civic Centre
Silver Street
Enfield
EN1 3XA

If sending by post to qualify for early payment we must receive the payment before the expiration of 14 days starting with the date of this notice (you should post your payment in good time to allow delivery of it within the stated period).

Appendix 7

Proposed Conditions for LN/201900900

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. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:

(a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.

(b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;

(c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;

(d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;

(e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;

(f) The system will record in real time and recordings will be date and time stamped;

(g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.

(h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.

3. An Incident log shall be kept at the premises in either handwritten or electronic format and made available, on request, to an authorised officer of the Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) any visit by a relevant authority or emergency service

4. 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.

5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

6. All windows and external doors shall be kept closed during regulated entertainment, except for the immediate access and egress of persons.

REMOVE

7. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

REMOVE

8. The outside seating area shall be cleared of all tables and chairs by no later than 23:00 hours.

9. Customers shall not be permitted to take drinks outside after 23:00 hours.

10. All off sales shall be made in a sealed container.

11. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed in the premises.

12. 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.

13. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

14. Children aged under 18 years shall only be permitted on the premises

when accompanied by an adult.

15. Children under the age of 16 shall only be permitted on the premises until 21:00 hours and children over 16 but under the age of 18 shall only be permitted on the premises until 23:00. An exception to this shall be when the premises are hired out for private functions such as weddings.

16. All staff 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.

17. 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.

18. The premises licence holder or DPS shall give the Licensing Authority at least 7 days' notice prior to using the non-standard timings relating to a recognised international sporting event including the timings of the event.

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

New condition:

19. Section 177A does not apply to this premises licence, therefore no regulated entertainment is permitted at any time, including live music and DJ.

Supporting Representation for The Fox Review

SUP1 Representation

I would like to express my concerns around the sound levels from The Fox pub in Palmers Green.

As a resident who lives in the newly built block, Otium House, I hear the music from the pub throughout my flat. It used to take place just at weekends but now it's throughout the week. When purchasing my flat, I had no idea that the sound proofing would be this bad, or the lack of it.

The [REDACTED] emit a sharp high pitch noise (similar to the sound of a vacuum cleaner) and this can be heard every time [REDACTED]. Therefore, I can hear [REDACTED] while I'm trying to sleep or am asleep, therefore waking me up.

There are multiple residents in the block who hear sounds from the pub in their individual flats - at least 6 flats have mentioned being disrupted by the noise. The bass is particularly apparent from the live music, where the sound travels all the way up to a resident on the [REDACTED]. In addition to this, the lyrics to music played can be heard word for word.

We would like professional sound proofing to be put in place to absorb the sound to avoid disruption. For example, even if someone is watching tv, the music can still be heard above it. Sometimes, I choose to sleep at a family member's house to avoid having to listen to the music on a Friday or Saturday night as it disrupts my evening, the ability to relax in my own home, and it affects my sleep. The constantly bass sound gives me a headache and it's affecting my mental health.

Additional music evenings have been added to the schedule and while I'm not against the pub providing entertainment, I believe that a venue needs to be fit for purpose. In this case, it's important that the sound is contained and doesn't impact the nearby residents.

As a person who works Monday to Friday, and lives in a residential area, I don't expect to hear loud music in my home on a weeknight. Once it was playing until 1am on a Wednesday night. I feel the bass on my pillow and have to sleep with ear plugs in my own home.

Collectively as residents we have tried different methods to communicate our concerns in an informal manner and feel that apart from moving the band around, very little has been actioned to resolve our issues. It's a shame that this situation has escalated and that we have to go down this formal route. We wish that the pub would've acted on our concerns when they were raised in early 2023. The developer, Dominus, the pub's regional manager and our service management company, Ringley, were all aware of our concerns.

Objection Representations for The Fox Review

OP1 Representation

I am writing on behalf of Southgate District Civic Voice to raise concerns regarding a possible removal of the entertainment license for *The Fox Pub 413 Green Lanes, London N13 4JD*.

We would like to remind the committee that The Fox was the subject of Enfield's first Asset of Community Value (ACV) submitted by us. The ACV approval was based on the acknowledgement that this pub is an iconic building and has acted as a focus for local community activity and as a long-established entertainment venue. The ACV was also a material consideration in the redevelopment planning decision.

We are concerned that removal of the license would jeopardise the pub's ability to remain a community hub and provide the space clearly indicated in the planning approval.

However, we recognise that there seem to be some issues around the construction and understood that all aspects of noise should have been resolved before any of the new flats were sold. We would therefore request that the Committee investigate the full history of this site and assist the pub and the community it serves to resolve the situation rather than removing the license and thereby removing this asset which this community fought to retain.

OP2 Representation

Please accept these comments as representation on this case.

This review poses a problem in decision making for the licensing sub-committee as there appears to be merit in both addressing complaints from residents living close to the public house, and from the views of the wider community supporting the value of the venue. Residents living in close proximity must have reasonable protection from noise, but it must be acknowledged that the public house was reopened as an asset of community value following the site redevelopment, as an integral part of the development.

As I understand it the decision included conditioning that;

This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am - 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm - 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm - 7am. The approved mitigation scheme shall be implemented in its entirety before any of the

units are occupied/the use commences. Reason: To protect future residents from noise and disturbance.

I am unclear whether this has been adhered to and whether it was inspected after the redevelopment was completed.

While this licence review is not being considered by a planning committee the protection for future residents is enshrined in the conditions imposed by the planning authority. I am unclear whether they have been adhered to in construction.

In all events an analysis of the soundproofing and any necessary mitigation arising from failures, if they exist, could offer a positive way forward for all parties. However the immediacy of the sub-committee meeting probably works against all the relevant parties being able to resolve these issues. That is unfortunate. Any long term solution in the interests of community use and for the comfort of adjacent residents is likely to necessitate a review of the soundproofing currently in place.

Cllr Taylor

Ward Councillor

OP3 Representation

As residents of Palmers Green for over 40 years, and nearby neighbours of The Fox, we would like to make the following comments opposing the above.

Your concern is solely the effect of live music on the adjacent flats. As residents in Old Park Road we have never heard any music emanating from The Fox, though we regularly hear music of significant volume from Broomfield Park, notwithstanding any efforts to lessen this. We have never objected to this as we consider it is providing shared pleasure for the local community. No-one has sought the local community's opinion on the current level of noise from these events, but I would assume that most people would think it a price worth paying for the common good.

We were in the Fox just before Christmas listening to vigorous interactive carol singing organised by the vicar of St John's church and supported by the landlord. It was a joyous occasion but one that presumably is now endangered. We are old enough to remember the bad days of previous Fox landlords and the worry we had about our children returning from there. No such doubts exist now - it has become a community hub, with music playing a large part in that.

If, as has been reported, complaints have been made by flat-owners about the noise coming from [REDACTED] and general conversation, one does wonder about the level of sound-proofing provided by the builders and signed off by the planning department prior to the occupation by this landlord. They were not the original planned occupants and advertisements were placed for a landlord in the windows of the empty Fox building. What would be the situation had they not come forward. Whatever the situation, it appears the current landlord is being made to pay for mistakes not of his making, and that the complainants have not thought through the implications of buying a flat adjoining a public house.

OP4 Representation

I wish to make a representation on the decision of Enfield Council to "disapply the automatic entitlement of regulated entertainment."

As a member of the local community, I am concerned that this infringes the status of the pub as a designated "asset to the local community" - the first building in the borough to be accorded this role.

The formalisation of the importance of this pub in the community was based on the existence of a community room which existed in the old building before it was "resized". The designation of the Fox as a community asset must have been an integral part of the planning process permitting the construction of the current building.

The permit of "regulated entertainment" should be inherent in the designation "community asset"

OP5 Representation

I wish to add my support for the Fox Hotel its the best thing that has happened in our area for such a long time, it has given the area a boost in uplifting the area that needed a boost as the high street was dying and is still dying, two pubs have closed in the area since we have been in the area and the Wetherspoons pub is also to close.

So many pubs have closed leaving the high streets empty, the Fox have brought people from all over the surrounding areas bringing business not only for the Fox but to nearby businesses.

If anyone is at fault its the developers of the Fox because originally there should have been three three bedroom flats and it would have been for families, but instead it was changed I believe to five two bedroom flats as to be easier to rent.

They knew that the Fox would have music and entertainment, it was part of the agreement to keep the entertainment space for the community, but as always cutting corners to increase their profits they did not install any soundproofing between the pub and the flats above, they should be made responsible for this and install at their cost the soundproofing that should have been installed from the beginning, so that not only can the residents sleep at night but that patrons can have an enjoyable time knowing that they are not disturbing anyone.

I hope that an amicable solution can be found so that we can continue to enjoy the best thing that has happened in the area for a long time and the residents have nothing more to complain about.

Hoping for a quick solution.

OP6 Representation

I was surprised that the new residents in the new block of flats next to the long established and popular Fox pub discovered that a pub might be noisy.

This cannot be seen as a surprise or something hidden from someone buying an apartment next to it. How could they not know?

Palmer's Green high street has lost its toy shop, its bookshop, and Amy's DIY shop is due to close.

Do we want anything here other than pound shops, slot machine emporia and betting shops?

The Fox provides popular family entertainment. Taking its music licence away would be another blow to our already struggling Palmer's Green high street.

There is also a sense of miserablism, a sort of kill joy atmosphere around this whole suggestion.

OP7 Representation

The people who have bought the flats were fully aware that The Fox was a music venue when they purchased. If the developer has carried out a shoddy job in sound proofing it should be up to them to remedy. I think it's completely appalling that The Fox might lose its licence

OP8 Representation

I strongly object to the possible revoking of the Fox Pub's entertainment Licence. If the owners of the flats have a gripe, they should take it up with the developers who built them.

This pub, an important part of Palmer's Green's history was there long before the flats and appropriate action should have been taken by the developers AND the Council planning department to ensure sound proofing was adequate.

As for the owners of the flats, it's like buying a house on the north circular road and then complaining about the traffic.

Please ensure this pub thrives by continuing to issue their entertainment licence.

OP9 Representation

I am writing to express my dismay at the decision to suspend the license at the Fox. Almost inevitably this will result in the closure of the pub itself and the loss of the best community asset in the entire area by far.

It's clear that the fault lies not with the pub management who are the innocent party in all this. The fault must lie with multiple agencies with the council in a position to influence the final outcome. Fault lies with :

The developers for design and financing issues.

Contractors for shoddy workmanship. It has been common knowledge for years that built quality was abysmal.

The council for approvals, poor inspection and building control

The owners for buying flats above a pub (what did they expect!)

The surveyors for not advising the buyers correctly.

Once again local residents suffer through complete incompetence and greed. Most galling we now read another xxxxx and another gambling venue will be added to our high street in the weeks ahead. Neither provides anything of value to the community. Residents who live in the area are sick of it and hold the council responsible.

It's time for the council to step up and show some metal before Palmer's Green gets completely ruined. The council must maintain the council and take steps for the developers to compensate the owners of the properties either through reimbursement and compensation or rehousing and rectification.

Removing the license is a simple solution but not the right one.

OP10 Representation

I strongly object to the proposal to revoke the licence to play live music.

The residents knew what they were buying into when buying the flat, the onus was on their lawyers and surveyors to inform them during 'discovery'. If it a failure of the developer and builder then their insurers must pay for restitution work. It also might be a failure of Building Control to properly inspect this development by Dominus which took an inordinately long time.

OP11 Representation

I support live music at The Fox, N13. The performances by a range of artists have many benefits including bringing the community together, supporting the night-time economy, providing opportunities for local artists and bringing life and music to an area where there is clear demand. Please renew the Premises Licence Thanks.

OP12 Representation

I am making this representation as a Palmers Green (PG) resident of approaching forty years, one whose rear garden looks onto the Fox and additionally with experience as the current chair of the Palmers Green Ward Panel / CAPE.

It touches on: the four licensing objectives; experience of the current management; plus wider aspects I consider the committee may choose to be mindful of before any final decisions are taken.

The Fox

Over the course of many years of voluntary activity I have been requested to lead numerous walk-about outlining PG town centre, to eg Cabinet Members, Directors, an Assistant Director and two Interim Heads, with titles spanning the likes of regeneration, planning and property. In every case The Fox was highlighted as “bookending” the northern end of our high street. It is locally highly significant. As the Planning Committee report of 10 April 2018 said, “The existing pub building could be described as a landmark building within Palmers Green, and its architectural value, and contribution to the townscape is recognised by its designation as a locally listed building.”

Licensing Objectives

The officer’s report is clear in that there is a stated intolerable level of noise disturbance, including from normal and other fully anticipatable sources, including references made to [REDACTED] and unamplified conversation.

That and any other noise has not travelled as far as my property, nor, as CAPE representative of this street with over one hundred linked Whatsapp members, can I report that there is wider evidence of any issue. The problem(s) therefore appear to be relatively highly localised.

Such localised impact is supported by a survey undertaken in late 2023 as part of the UK wide Local Motion initiative, where Enfield is one of six national sites. It saw over 600 PG responses highlighting problems and issues. Not one of the 21 pages of the summary of comments references any issue linked to The Fox.

While the noise issue may be highly localised, The Fox’s footprint in PG conversely means that its impact in the community is significant.

Eyes and physical presence on the street are now acknowledged as a crime mitigating tactic and strategy. As a local example, increased volunteer presence and associated activity in Broomfield Park has been highlighted by the chair of the friends

as noticeably reducing the public nuisances, and potentially crime and public safety linked issues of ASB and littering.

At a recent CAPE a lead voice of the Palmers Green Action Team, a substantial (70+ member) voluntary group focused on the high street, in response to one problem recommended a focus on encouraging people into the area as a means of mitigation. Late in 2023, senior police attended the CAPE in response to a series of overnight business burglary incidents arranging a special operation drawing resource from nearby wards and central teams to resolve the matter. This serious problem was occurring when high street eyes and physical presence were at a minimum.

It is in that vein that a local business with the scale and presence and footfall generation of The Fox brings wider licensing- objective benefits, albeit, it could be argued, intangible ones, to the matters of:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance

The fourth licensing objective is the protection of children from harm.

Having heard from the Young Mayor and Deputy Young Mayor about (adverse) street safety, this CAPE has been seeking mitigating actions. Subject to final agreement this will take the form of a ward-wide use of the CHIP charity scheme whereby retail outlets are checked and then approved to act as sanctuary to young people in need. The Fox is on that initial list.

It is acknowledged none of these are solutions to a [REDACTED] and wider noise problem, and nor is it for the committee to consider a balancing decision versus various benefits, but nor can decisions be seen as occurring in a vacuum. There will be wider implications.

Current Management

It is many years since I watched from my rear window the red emergency helicopter land in The Fox car park. Extraordinarily impressive as that was, those days, including the associated incident tent erected nearby on the high street, are long gone.

A period of pre-redevelopment decline under the previous manager has now seen an extraordinary blossoming under the post-redevelopment, new management team. The Fox is now a community hub while additionally bringing the type of diversified high street and nighttime economy that forms the heart of Enfield's pre-publication Reg 19 Local Plan as it applies to district town centres.

The new management team have been proactive in their community support, both to local businesses, in hosting business association meetings, and residents, in hosting residents' association meetings. Beyond that they stepped in to offer hosting of CAPE meetings when the long-standing venue was unable to continue. I should also add they attend as a full member of CAPE and have to date brought noticeable added value, in one case resulting in specific police action.

Last year an outstanding floral display running the length of the property for many months led to my wife, an RHS Chelsea Flower Show judge, recommend they apply to the 2024 Enfield in Bloom competition. That suggestion is to be taken up. They brought brightness to the public realm.

You cannot buy such community support and added value, and like any freely given goodwill it is inevitably vulnerable to anything other than very careful handling. My experience of almost one year is that the team have been extremely good community citizens. It is a widely held view, in my understanding, where my experience is used by the MPS "to provide the feedback on behalf of the community." This is succinctly summed up by one spontaneous comment made by a local resident:

I love going to The Fox I feel safe if I'm waiting for the other half, James & Podraig are so lovely trying to make it a community pub with events for everyone
You don't find many pubs like this in London now

Other Related Matters

Well before planning permission for The Fox's redevelopment was granted, Supplementary Planning Guidelines (SPG) to the 2016 London Plan were issued (November 2017). These were later subsumed into the 2021 London Plan and in substantial order are represented in Enfield's pre-publication Reg 19 Local Plan.

Without wishing to burden the committee with countless policy and policy supporting references, although they may choose to familiarise themselves with them, the 2017 SPG Executive Summary adequately captures the direction of related policies as follows:

- PROTECTING PUBS Many pubs are valued cultural and recreational assets and boroughs should manage, improve and retain pubs where there is evidence that the pub is a viable and needed community asset.
- AGENT OF CHANGE Development proposals should seek to manage noise without placing unreasonable restrictions on development. They should also not add unduly to the costs and administrative burdens of existing businesses. Acoustic and other design measures should be used to mitigate noise and other impacts. There should be no prospect of unreasonable neighbour complaints, licensing restrictions or threat of closure. (My underscoring)

In May 2015, again well before planning permission was granted, The Fox was granted Asset of Community Value (ACV) status; the first in the borough.

- "The Council agreed that the facility promotes community cohesion, hosts public events and involves the voluntary sector, and it is realistic to think that there would continue to be social use of the building in the future. The activities held at the venue are considered to be of benefit to the local and wider community."

The application revealed the ACV status being centred around The Fox's then use of a flexible function room, one used for the full range of activities. In my own experience this included (amplified) live music, film, dance, comedy, theatre as well as council and local meetings and consultations on various matters.

The continuation of a flexible function room within the redeveloped site became a matter of the report to the Planning Committee (April 2018). This contained many references but in short:

- “Officers give significant weight to the replacement flexible function room”

And thereafter into the planning permission itself (June 2018):

- “The flexible function room within the A4 pub unit as illustrated on”
- “Reason: To ensure compliance with DMD policy DMD17 and the relevant London Plan policies”

By this stage of the timeline it is clear that The Fox is a community-valuable and community-valued asset and that such assets are substantially protected in planning. Enfield council acknowledged this and sought to ensure such a position continued.

It is reasonable to assume that a previous flexible function room, being continued as a flexible function room into the redevelopment, will be employed for an equivalent range of uses, specifically to include amplified live music. And given such a background the PP variously sought to protect residential amenity and future residents from noise and disturbance:

- 21 The development shall not commence until an updated noise impact assessment of the external facades of the development based upon the report prepared by ACP dated November 2017 demonstrating the development's compliance with acceptable internal noise levels in accordance with BS8233:2014 (or any subsequent replacement) has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure acceptable residential amenity.

- 26 The pub and commercial unit hereby approved shall not be occupied until details of the acoustic performance of any plant and extracts and an appropriate scheme of noise mitigation has been submitted to and agreed in writing by the Local Planning. These details should include a specification of flue extractors proposed including details of the odour emissions and sound emissions from the extractor.

Reason: To ensure acceptable residential amenity.

- 30 The development shall be constructed/adapted so as to provide sufficient air-borne and structure-borne sound insulation against externally generated noise and vibration as recorded by the submitted Acoustic Consultancy Report date 22nd November 2017. This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am - 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm - 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm - 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development taking place. The scheme of mitigation shall include mechanical ventilation where the internal noise levels exceed those stated in BS8233: 2014 with the windows open. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied/the use commences.

Reason: To protect future residents from noise and disturbance.

But as the Enforcements Officer's recent report makes clear, something nonetheless went tragically amiss.

- "The noise officers are of the view that the premises is not suitable for music other than only background level, at any time of day. The sound insulation in the building is simply not adequate. The music events are all advertised in such a manner, that they cannot be deemed incidental music. "

This suggests total failure of the borough's planning approval process.

Moreover, in undermining a non-incidental element of The Fox's business, there is a consequence that the business itself is put at risk with, in turn, significant implications for the wider PG community, because as the report to Planning Committee pointed out:

- This flexibility (referring to the flexible function room) is important for reasons of commercial viability.

The logical converse is that without it the businesses position may not be viable.

A circa 2000-person local petition seeking to save the Fox in its current form is testament to a local desire for what should have been the agreed position to remain as the status quo. However, the implication of the report to the Licensing Committee is contrary to where things should have landed.

London Plan 3.16 and Enfield Core Strategy DMD17 ensure the continuation of such a core piece of social infrastructure unless a replacement facility is available or there is no demand for the existing flexible function room. Neither scenario applies. Conversely, should it be argued the redeveloped Fox was not a continuation of the previous but instead represented a new establishment, then Enfield policy DMD32 2a and 2b rule that detrimental effects should not have been experienced by neighbouring residents or the local environmental quality as part of the development.

The Committee may decide it is appropriate to understand the full background, and not least what, if anything, can be salvaged from the situation and risks to the credibility of some of the core parties before proceeding towards a final decision.

OP13 Representation

I'm writing in respect of the situation at The Fox pub in Palmers Green. I have heard slightly conflicting views as to what is occurring, but understand that the music licence for the pub has been removed or suspended as a result of complaints from neighbours.

I understand that the agent of change principle has been introduced to address this particular issue as a result of a number of unwise and unnecessary closures of entertainment venues across the country in order to protect them from such concerns. In a time when we increasingly live online, and social and community facilities are fewer and further between despite denser developments and more people living in town centres, we need to hang onto these places, not close them

because people who were very aware of a music venue when they moved in complain about the music from the venue. (If only we could remove cars from town centre roads because of the noise they make...)

I was very pleased when the Fox was redeveloped with a space for entertainment, because the previous incarnation was a vibrant entertainment venue on the music and comedy circuit as well as acting as a community space for events and exhibitions (including Enfield's local plan, on occasion, and the community cinema club, Talkies). I lived in Palmers Green around the corner from the Fox, and now live in Winchmore Hill, but I still frequent the Fox, and was in fact in there last night watching the Darts final. I am also a songwriter and musician, and see the value in these small, local venues for nurturing talent and inspiring creativity in others.

The neighbours who have complained may have a point, but damaging a community asset by taking away a licence is short sighted and irresponsible. I would hope that a more sensible, negotiated outcome could be found which saves, preserves and improves this valued asset (even if they do insist on continuing with jazz nights).

I have copied in the Palmers Green MP and my own MP, who I would hope also object to Enfield Council's proposed action.

OP14 Representation

I am a resident of Old Park Road in Palmers Green. I was delighted last year when The Fox Pub started a jazz night.

The jazz night afforded me the opportunity to attend an event where socializing and meeting members of my community was possible. As I am a new resident this has been an important part of me feeling as though I am part of the community.

As I am sure you are already aware, the arts are incredibly important not only to the financial growth of a community but also for mental health.

Please keep the music at The Fox.

OP15 Representation

I am writing as I have seen the blue notice on the doors of the fox pub. I am a resident in the flats [REDACTED] and want to express that I have never heard noise from the pub. I feel it is a shame that one or two residents have complained and xxxxx. [REDACTED]

[REDACTED] If I am correct, I will not dispute the fact that they may hear noise where their flat is situated compared to mine. However, I have returned home numerous times quite late and there's never been any kind of disturbance from the pub, I walk past usually by 9-11pm when I come home and it's quiet. The weekends are busier of

course but that was surely to be expected when buying a property above a pub. It will not be silent.

However, the take away the license for entertainment in a pub which is so friendly and welcoming would be a disaster to the community of Palmers Green and to our building. I have formed relationships with neighbours in the building using the pub as a common ground and also they have hosted meeting for us residents with Dominus who have failed us as residents as well as I can imagine the pub.

To take away the license would have a detrimental impact on our local community as they do host events such as drag bingo which bring people together and is often a meeting place for friends and families.

I am not sure what one is supposed to say when sending their representations as the link posted on the blue signs doesn't work.

I hope however that as a resident my point of view will be taken into account.

OP16 Representation

Bambos Charalambous MP, see attached document for full representation.



HOUSE OF COMMONS
LONDON SW1A 0AA

BY EMAIL ONLY TO: licensing@enfield.gov.uk

FAO LICENSING – ENFIELD COUNCIL

I am writing in relation to Enfield Council's review of the premises licence LN/201900900 of The Fox Public House, Palmers Green N13 4JD.

I understand that there have been several noise complaints in relation to live and recorded music at this venue. I note that a noise nuisance abatement notice was served on 19 December 2023 by a Senior Licensing Enforcement Officer after officers had witnessed a breach of the statutory nuisance abatement notice.

I am concerned that the Review by the Licensing Enforcement Team seeks to apply a condition which would mean that regulated entertainment – live and recorded music, film screenings - was not permitted at any time.

The Fox management are deeply concerned that such restriction on their entertainment offer would very seriously impede their business and could challenge the continued viability of the business.

The Fox Public House is an historic and important venue in Palmers Green with a long history of providing entertainment, including music, comedy nights and film screenings. In 2015 it was the first local venue to be recognised as an Asset of Community Value.

Many local residents welcomed the reopening of The Fox in 2023 following extensive redevelopment. I understand that when The Fox site was redeveloped the retention of a community room in the pub was an integral part of the plan and it remains one of very few community spaces in Palmers Green. It is also available for community meetings, including CAPE meetings with the local police.

Since The Fox reopened the management have worked hard to provide a range of entertainment for the local community including giving opportunities to local musicians.

I do not seek to underestimate the impact that noise from The Fox is having on some of the residents of the new residential development attached to The Fox. However I do believe that a constructive solution needs to be found which is acceptable to all parties, one which will both allow the Fox to continue in business providing entertainment whilst mitigating the noise issues residents are facing.

The complaints from the residential development immediately raises questions of what noise mitigations were required when planning permission was sought for the residential

development which was attached to The Fox, what mitigations were actually put in place by the developers during construction and how that was monitored by Enfield Council as the construction progressed.

Effective oversight throughout would have been a benefit to residents and would protect The Fox against future complaints, bearing in mind that this venue has historically hosted entertainment and the community room was integral to its redevelopment.

I understand that one resident complained that they could hear the hand dryers from The Fox and that this was then witnessed by Enfield Council Officers. A comment is made in the review document that `poor sound level management and insufficient sound insulation` were contributing.

I would draw your attention to the `agent of change` principle introduced into the National Planning Policy Framework (NPPF) in 2018. In December 2023 the Department for Levelling Up, Housing & Communities published an updated National Planning Policy Framework. I would draw your attention in particular to paragraph 193:

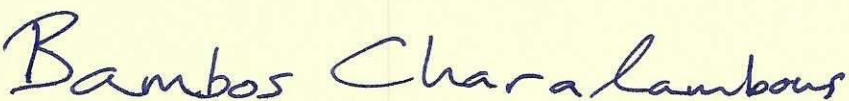
"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Nationally it is concerning that established entertainment venues are being threatened with closure due to complaints from residents of new developments. The decline generally in community and high street facilities is a cause of great concern. Preventing The Fox playing any music will impact upon its viability to operate and could mean that this will be another significant loss to Palmers Green high street and community, as well as denying many local musicians a venue in which to perform.

I acknowledge that the Licensing team have a duty to investigate issues of commercial noise nuisance and that residents must be able to live undisturbed.

However I do urge Enfield Council to address the problems faced by the complainants and The Fox by looking into the broader issues with a view to how the noise issue can be resolved other than taking a step which would risk closing an important and historic venue in Palmers Green.

Yours faithfully



Bambos Charalambous MP

Annex E

Section 182 Licensing Act Statutory Guidance, Revised December 2023

The full guidance can be found here:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Extracted sections relevant to this review and regulated entertainment:

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are: (only included relevant information, not the exhaustive list)

- a performance of live music;
- any playing of recorded music; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities: (only included relevant information, not the exhaustive list)

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500²⁴.

- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Live music: no licence permission is required for:

- a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

- a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁵.

- a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.

- Recorded Music: no licence permission is required for:

- any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁷.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

Live music

16.26 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 workplaces⁵³, 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 review⁵⁵.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN,

allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance.

Key terms used in relation to live music

16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

16.32A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.

Recorded music

16.33 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 place 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).

Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions⁶² are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes places before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of

entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Licence reviews: Live and recorded music

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

16.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

Incidental music

16.57 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.

16.58 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.

16.59 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?

16.60 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.

16.61 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.