

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 3 July 2013 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors: Elaine Hayward, Derek Levy (Chair) and George Savva MBE

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATION OF INTERESTS

Members were asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. FUNKY LOUNGE, 111 GREEN LANES, PALMERS GREEN, N13 4SP (Pages 1 - 42)

To consider the application for a new premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 43 - 72)

To receive and agree the minutes of the meetings held on:

- Wednesday 30 January 2013
- Wednesday 13 February 2013
- Wednesday 17 April 2013.

5. EXCLUSION OF PRESS AND PUBLIC

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

MUNICIPAL YEAR 2013/14 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
3 July 2013

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application for a new premises licence</p> <p>PREMISES : Funky Lounge 111 Green Lanes, Palmers Green N13</p> <p>WARD : Bowes</p>	

1 **LICENSING HISTORY & CURRENT POSITION :**

1.1 The premises is not and has not been licensed under the Licensing Act 2003.

1.2 A copy of a location map of the premises is attached as Annex 01.

2 **THIS APPLICATION :**

2.1 Application is made by **Ms Cristina Teixeira** for a Premises Licence. The application seeks :

2.1.1 **Hours the premises are open to the public :** Sunday to Saturday from 08:00 to 00:00.

2.1.2 **Supply of alcohol (on supplies only) :** Sunday to Saturday from 10:00 to 23:30.

2.1.3 **Late night refreshment :** Sunday to Saturday from 23:00 to 00:00.

2.2 The application was advertised in accordance with the requirements of the Licensing Act 2003.

2.3 Each of the Responsible Authorities were consulted in respect of the application.

2.4 A copy of the application is attached as Annex 02.

3 **RELEVANT REPRESENTATIONS :**

3.1 **Metropolitan Police** : Representation is made on the grounds of the prevention of crime & disorder. The authority considers that it is appropriate, for the promotion of the licensing objectives, to reject the application.

3.1.1 A copy of the representation is attached as Annex 03.

3.2 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services)** : Representation is made on the grounds of the prevention of crime & disorder, the prevention of public nuisance and the protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives, to reject the application.

3.2.1 A copy of the representation is attached as Annex 04.

3.3 **Other Persons** : Representation is have been made, against the application, by residents. The grounds of representation include the prevention of crime & disorder, the prevention of public nuisance, public safety and the protection of children from harm.

3.3.1 A copy of the representation is attached as Annex 05.

4 **RESPONSE TO THE REPRESENTATIONS :**

4.1 On 6 June 2013 the applicant wrote to all parties that have made representations.

4.2 A copy of the letter is attached as Annex 06.

5 **PROPOSED LICENCE CONDITIONS :**

5.1 The conditions arising from this application are attached as Annex 07.

6 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 6.1 The paragraphs below are extracted from either :
- 6.1.1 the Licensing Act 2003 ('Act'); or
- 6.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2012 ('Guid'); or
- 6.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

General Principles :

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 6.3 The licensing objectives are :
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4(2)].
- 6.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 6.4.1 the Council's licensing policy statement; &
 - 6.4.2 guidance issued by the Secretary of State [Act s.4(3)].
- 6.5 The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.18.1].

Cumulative Impact Policy :

- 6.6 The applicant premises/club premises is not located in a Cumulative Impact Policy Area [Pol s.9.21/22].

Hours :

- 6.7 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.11].
- 6.8 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises , it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].
- 6.9 The impact upon the licensing objectives from people gathering at takeaways, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity [Pol s.8.8.2].

Conditions :

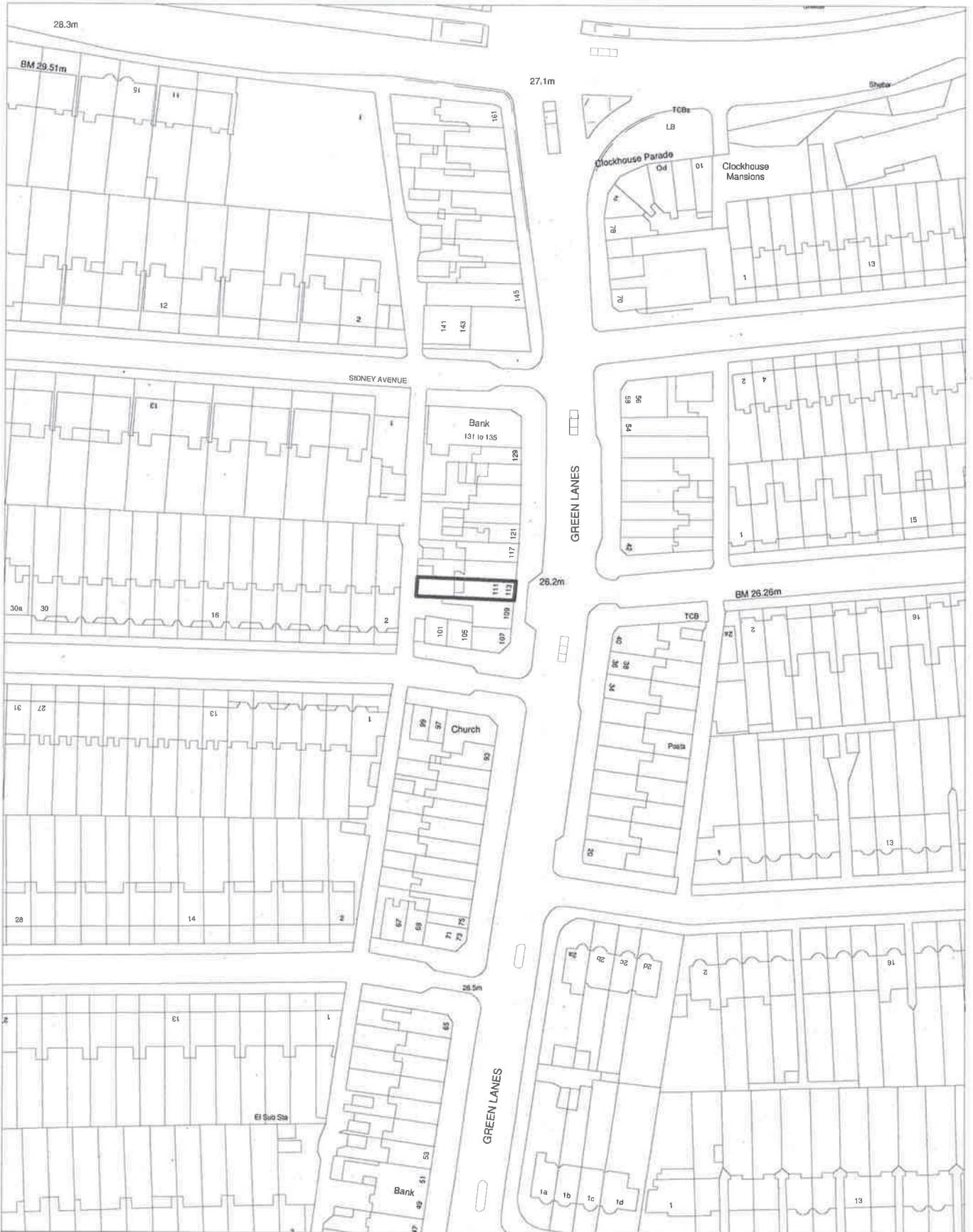
- 6.10 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives [Guid 8.34].
- 6.11 Applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises [Guid 8.40].
- 6.12 Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardized conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives [Guid 1.17].

Decision :

- 6.13 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.33].
- 6.14 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 6.14.1 the steps that are appropriate to promote the licensing objectives;
 - 6.14.2 the representations (including supporting information) presented by all the parties;
 - 6.14.3 the guidance; and
 - 6.14.4 its own statement of licensing policy [Guid 9.34].
- 6.15 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
- 6.15.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.15.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.15.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.15.4 to reject the application [Act s.18].

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

Contact Officer :
Mark Galvayne on 020 8379 4743



Funky Lounge, 111 Green Lanes, LONDON, N13 4SP

LONDON BOROUGH OF ENFIELD
 CIVIC CENTRE, SILVER STREET
 ENFIELD, EN1 3XE
 TEL: 020 8379 1000



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Scale: 1:1250
 Dwg.No. 6500BQ
 Date: 11/06/2013

WA 213011216

ANNE 02
 any £190:00
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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

~~I/we~~ Miss Cristina Teixeira
 (Insert name(s) of applicant)

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

Part 1 - Premises Details

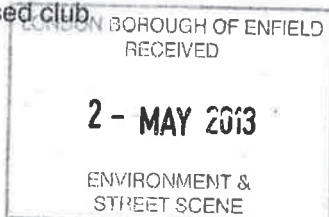
Postal address of premises or, if none, ordnance survey map reference or description 111 Green Lanes			
Post town	London	Post code	N13 4SP

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£13000

Part 2 - Applicant Details

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

- a) an individual or individuals * please complete section (A)
- b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)
 - iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)



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

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input checked="" type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname Teixeira			First names Cristina		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address		54 Kenmare Gardens, Palmers Green			
Post Town	London			Postcode	N13 5DN
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/> Please tick yes	

Please give a general description of the premises (please read guidance note1)
Coffee Shop

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

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

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

In all cases complete boxes N, O and P

L

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	23:00	00:00	Please give further details here (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	23:00	00:00			
Wed	23:00	00:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur	23:00	00:00			
Fri	23:00	00:00	Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Sat	23:00	00:00			
Sun	23:00	00:00			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	10:00	23:30	State any seasonal variations for the supply of alcohol (please read guidance note 4).		
Tue	10:00	23:30			
Wed	10:00	23:30			
Thur	10:00	23:30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	10:00	23:30			
Sat	10:00	23:30			
Sun	10:00	23:30			

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name Miss Cristina Teixeira	
Address 54 Kenmare Gardens, Palmers Green, London	
Postcode	N13 5DN
Personal Licence number (if known) LN/201200083	
Issuing licensing authority (if known) London Borough of Enfield	

N

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8),

N/A

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	08:00	00:00	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p>
Tue	08:00	00:00	
Wed	08:00	00:00	
Thur	08:00	00:00	
Fri	08:00	00:00	
Sat	08:00	00:00	
Sun	08:00	00:00	

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

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

In preparation for this application i have had regard to the Borough's statement of licensing policy, the section 182 Guidance and the Licensing Act 2003.

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

b) The prevention of crime and disorder

The licensee will participate in any shop/business watch initiative if available. All incidents of a crime and disorder will be recorded in an incident logbook kept at the premises. Additionally, any incidents of crime and disorder will be reported to the Police. CCTV to be installed, maintained and correctly operated. Tapes will be kept for 31 days.

c) Public safety

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

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

d) The prevention of public nuisance

All customers are asked to leave quietly. Clear and legible notices will be displayed to remind customers to leave quietly.

Customers will be discouraged from congregating inside or outside the premises.

Trade waste agreement to be maintained at all times.

e) The protection of children from harm

All refusals are to be entered into a refusals book, which is to be made available to the Police or relevant Council employee upon request.

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

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


Please tick yes

- I have made or enclosed payment of the fee
- I have enclosed the plan of the premises
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I have enclosed the consent form completed by the individual I wish to be premises supervisor, if applicable
- I understand that I must now advertise my application
- I understand that if I do not comply with the above requirements my application will be rejected

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

Part 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 11). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	20 th April 2013
Capacity	Authorised Agent

For joint applications signature of 2nd applicant or 2nd applicant's solicitor or other authorised agent. (please read guidance note 12). **If signing on behalf of the applicant please state in what capacity.**

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

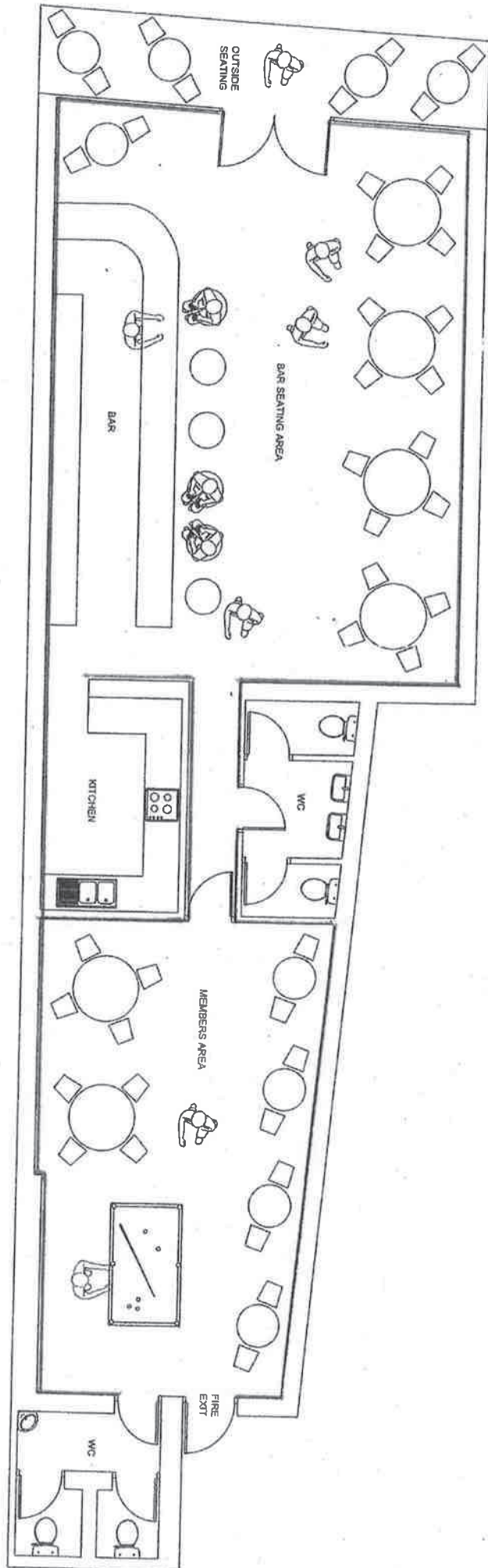
F.S.L Business Consultants
20 Adamson Road

Post town	London	Post code	NW3 3HR
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing@fslconsultants.com			

111 Green Lanes, Palmers Green, London N13 4TT

Scale 1:100 @ A4

Red Line = Licensed Area





**METROPOLITAN
POLICE**

Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Funky Lounge
111 Green Lanes
Palmers Green
N13 4SP

Type of Application: New Premises

Worksheet number: WK/213011716

The Application

This is an application for a new premises licence for the supply of alcohol (indoors only) and the provision of late night refreshment (LNR) as follows;

	Monday - Sunday
Opening Hours	08:00 – 00:00
Supply of Alcohol	10:00 – 23:30
LNR	23:00 – 00:00

In summary I wish to make representation on the following:

- Prevention of Crime & Disorder

I wish to make representations against the granting of this application for the following reasons.

This particular premises has been the cause of concern for the local Police Safer Neighbourhoods team (Bowes Ward) regarding the activity of both staff and customers since the club opened in its present form.

I have researched police intelligence systems for the last year with the following results;

Crimint – **YERT00358389**, 15/04/2013. Relates to information given to local SNT officers about concerns regarding Funky Lounge and young women seen to be entering on a regular basis with suggestions of prostitution and drug dealing. Redacted and exhibited as my exhibit **MGF/1**

Crimint – **YERT00360088**, 18/05/2013. Relates to an intelligence report submitted by PS Lorna Taylor, the ward Sergeant responsible for Funky lounge. The report outlines of a visit made to the club on Thursday 16th may 2013 with evidence of smoking within

the premises, facilities for gambling being present by way of card tables and AWP machines. A request was made to speak to the manager. A short while later a female attended claiming to be in charge. At this point two of the males who had been seen smoking earlier got up and ran out, one via the front door, the other out of the back door. Officers chased after both males but lost them. (CAD YE9556/16May refers, Redacted as my exhibit MGF/2) Upon the officer's return to the club, a strong smell of cannabis was detected by the toilet area at the back of the building. Officers also noted that there were glasses on a table in the Café area which contained what the officers described as Whisky although no bottles were seen to be on display. Copy of this intelligence report redacted as my exhibit MGF/3.

Crimint - YERT00360089, 18/05/13. Relates to a further visit made to the club on Friday 17th May 2013 by officers from the local SNT, including Sergeant Taylor. Males were observed on the approach of police to enter the club but had disappeared once officers were inside leaving their coats behind. The same female who stated that she was in charge was present. When asked to give details of the owner, she stated she didn't know and refused to give any details. One of the officers in attendance noticed a wrap of white powder on top of a fridge inside of the venue. The female was arrested on suspicion of being on possession of a class 'A' drug. A search of the premises was then undertaken and a forged driving licence was found in the same females' name which subsequently was found to be false after having been finger printed. Later the female admitted to possessing both the class 'A' drugs and the forged driving licence and was dealt with by way of an adult caution. Copy of intelligence report redacted and exhibited as exhibit MGF/4.

Statement by PC 456YE Panteli outlining the two visits made by officers to the venue as above. Exhibit KP/1

A member of the Bowes SNT would like to attend any licensing sub committee hearing regarding this application in order to pass on her concerns over the way this club has been run.

Further to the above, I have tried to contact the applicant in this matter, Miss Cristina Teixeira at the home address supplied. I have called on the house on two occasions with no reply and have checked the voters register which shows no one by that name as residing there.

I have contacted the agents who submitted this application, F.S.L. Business Consultants, 20 Adamson road, London, NW3 3HR and spoken to Fabien who stated that he was unaware of the ongoing issues at Funky lounge. I was then contacted by a Mr Panayiotou who claimed to be the owner of the premises. Mr Panayiotou stated that he had sub-let the premises whilst he was being treated for cancer and likewise was unaware of the problems at the premises.

Mr Panayiotou explained that as a result of the ongoing issues, he had closed the premises immediately and made me aware that it was his intention to refurbish the shop with the intention of reopening in approximately 8 – 10 weeks.

I asked Mr Panayiotou who the applicant, Miss Cristine Teixeira was as I had been unable to contact her. He stated that she was his girlfriend and that they intended to run the premises together when it reopened and that the address given on the application for her was his parents as she sometimes stayed there.

As can be seen from the above intelligence and information reports, this venue is associated with criminality and it is strongly believed that should this licence be granted, little or no heed would be paid to the licensing objectives.

Although Mr Panayiotou has informed me that he intends to manage the premises personally from now on, I still fear that I have not received enough reassurances that all the licensing objectives will be adhered to, in particular with regards to crime & disorder.

Therefore, Police object to the granting of this licence in its entirety.

Cumulative Impact Policy

London Borough of Enfield

This premise is not within one of Enfield Boroughs Cumulative Impact Policy areas.

CCTV

CCTV is an essential ingredient in deterring crime and gathering evidence if crime is committed. Although CCTV is discussed in the operating schedule, insufficient detail has been provided to ensure its quality and integrity. Police therefore request the following condition is applied to the premises licence to ensure quality performance.

DRINKING CONTROL AREA

Designated alcohol control zone:

The premises is in the Green lanes & Winchmore Hill Green drinking control area. LB of Enfield's Licensing Policy, para 24.2 states "*in considering licence applications and reviews, the Council will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol for consumption off premises and unauthorised removal of drinks that have been supplied for consumption on premises.*" The application is for the supply of alcohol on the premises.

I have concerns regarding the observance of the designated alcohol control zone.

However, If this application were granted in full or part, I would recommend the following alteration be made to the licence conditions. I also suggest that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

PLEASE REFER TO ANNEX 07

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 28th May 2013

IIP

TREAT AS RESTRICTED

28/05/2013

CRIMINT PLUS - INFORMATION REPORT**OFFICER SAFETY**

URN YERT00358389
 Subject Licensing - Funky Lounge/Club Planet
 GPMS RESTRICTED
 Event Date 15/04/2013
 Date Created 15/04/2013
 Date Updated 16/04/2013
 Risk of Serious Harm? No
 Decision Status NFA / CLOSED
 Administration Status Administration Complete

Details

Subject Licensing - Funky Lounge/Club Planet
 Borough Enfield
 Ward Bowes
 Created By p222301 Efdokoula PANTELI (YE)
 Source XRef YEIS00113161

Evaluation

Officer Safety Yes
 Risk of Serious Harm? No
 CRIS or Merlin Required? No
 Evaluation E41
 NIM Level 1

Information Marker (Replaces QQ Codes)

Type	Sub Type
Community Issues	Licensing
Drugs	

Report Information

Police were on foot patrols along Green Lanes N13 on Friday 12/04/2013. Police were approached by various members of the public who want to remain anonymous expressing concern about certain shops in Green Lanes N13. The shops mentioned were the Funky Lounge, Club Planet and the Bujani. The people state that although the shops are relatively quiet during the day in the evenings there are young females attending the premises suggesting prostitution. Also there

IIP

TREAT AS RESTRICTED

28/05/2013

was a suggestion of possibly drug dealing at the back of the premises with high end spec vehicles attending the locations and leaving very shortly after. It has been reported.

The informants also stated that the shops are relatively quiet and don't understand how they make the money to pay the bills. Again suggestions that the shops are either fronts for laundering money or they are open from ill gains.

Police noticed a male who always hangs out at Funky Lounge and Bujani called [REDACTED]. Police suspect that this male is a look out for both shops. He is always seen around the shops wearing dark glasses and when police are seen in the area he dives into the shops. [REDACTED] was stopped a few times and searched under sec 23 of the misuse drugs act with negative result.

Assessment, Decision & Administration

Intel Unit Owning Enfield (YE)

Assessment and Decision

Priority Assessment Low
 Risk of Serious Harm? No
 Decision Status NFA / CLOSED
 Focus Desk(s) Safer Neighbourhood Desk

Administration

Administration Status Administration Complete
 Data Standards checked? Y
 Core Records created or updated? Y
 Reviewed for CRIS and Merlin? Y

Briefing

Legacy

FAO Desk Safer Neighbourhood Desk

MeK/R

IIP

TREAT AS RESTRICTED

28/05/2013

CAD

Reference Id YE/9556
 Date Time 16/05/2013 21:39:46
 Location 111 GREEN LANES, N13:FUNKY LOUNGE
 Opening Code 503 - Police Generated Resource Activity
 301 - Licensing
 400 - Suspects Chased On Foot

Incident Details

Received By O - Ordinary
 Caller Name LORNA TAYLOR 405YE
 Caller Type S - Staff on Duty
 Opening Code 503 - Police Generated Resource Activity
 301 - Licensing
 400 - Suspects Chased On Foot
 Classifier Code 503 - Police Generated Resource Activity
 301 - Licensing
 Qualifier Code 701 - Assistance Requested / Rendered
 Resolution Code 703 - No Offences Disclosed
 Urgency R - Referred
 Date and Time of Arrival 16/05/2013 - 21:43:00
 Incident Entered at CCC -
 Operator ID CHS

Cross References

System	URN
CRIS	NOT CRIMED

Tags

Resource Assigned

Time	Date	Call Sign	Type	Description
21:39:54	16/05/2013	405YE	FP	FOOT PATROLS
21:39:56	16/05/2013	456YE	FP	FOOT PATROLS
21:39:54	16/05/2013	405YE	FP	FOOT PATROLS
21:39:56	16/05/2013	456YE	FP	FOOT PATROLS
21:48:30	16/05/2013	YE23N	IRV	IRV
21:48:30	16/05/2013	YE23N	IRV	IRV

Location Details

IIP

TREAT AS RESTRICTED

28/05/2013

Attendance Location

Location 111 GREEN LANES, N13:FUNKY LOUNGE
Map Reference 530980192153
Ward YE13
Sector YW - Enfield
OCU YE - Edmonton

Incident Location

Location 111 GREEN LANES, N13:FUNKY LOUNGE
Map Reference 530980192153
Sector YW - Enfield
OCU YE - Edmonton

Maf13

IIP

TREAT AS RESTRICTED

28/05/2013

CRIMINT PLUS - INFORMATION REPORT

URN	YERT00360088
Subject	Licensing - Funky Lounge
GPMS	RESTRICTED
Event Date	16/05/2013
Date Created	18/05/2013
Date Updated	20/05/2013
Risk of Serious Harm?	No
Decision Status	NFA / CLOSED
Administration Status	Administration Complete

Details

Subject	Licensing - Funky Lounge
Borough	Enfield
Ward	Bowes
Created By	p007725 Lorna TAYLOR (YE)
Source XRef	YEIS00114921

Evaluation

Risk of Serious Harm?	No
CRIS or Merlin Required?	No
Evaluation	B21
NIM Level	1

Information Marker (Replaces QQ Codes)

Report Information

On Thursday 16th MAY,2013 at approximately 2215 hours officers from Bowes SNT attended FUNKY LOUNGE 111 Green Lanes,N13 to conduct a visit to the premises on behalf of PC Martyn Fisher licencing officer.

The purpose of the visit was to check premises and speak to the proprietor re an ongoing license application applied for by the property.

On entering rear alleyway there were 4-6 males who made off on police arrival.

Upon arrival officers entered the property via the rear door. Immediately it was noted that in a room which appeared to be a games room with a pool table, two gaming machines and card tables, two Eastern European males were sitting on sofas smoking cigarettes in the premises. There was an ash tray on the table and it was full of cigarette butts. There were also other cigarette butts on the floor near where they were sitting.

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In the main room of the premises which is supposed to be the coffee shop/ice cream parlour there were another group of males approximately 5-6 of Eastern European origin. The majority of this group were also smoking. An ash tray which was black plastic was on the table. 2 cigarette butts were observed in the ash tray and one was on the floor under the table where the males were sitting.

Officers asked who was in charge at the property. One of the males stated that the boss was out and that they would ring her.

Approximately 5 minutes later a female attended the property.

She gave her details as

[REDACTED]
FEMALE
IC2
F506

Slim build with black hair in a pony tail.

Whilst speaking to [REDACTED] two of the males who had been sitting smoking in the main room ran from the premises. One ran out of the front door and one out of the rear door.

The first male described as

MALE
IC2
f510
Slim build.
Goatee beard
A age 30 years.

2nd

MALE
IC2
F509
Prop build
Clean shaven
short black hair
Black leather jacket and jeans.

Officers advised [REDACTED] the purpose of their visit. When asked about permitting the smoking to take place on the premises [REDACTED] stated that she was not aware people were smoking because she was out.

Walking around the premises police observed the following. The toilets at the rear of the property smelt strongly of herbal cannabis.

There was no food being served although there were food menus.

There were glasses on the table in the cafe part of the premises that had a alcohol in them. It appeared to be whisky from the smell. No bottles of alcohol were observed on display in the premises.

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On the front window of the property was the current license application. There was a table and a chair outside on the pavement of the property.

The rear doors of the property were wide open. The lights were on. In the back room of the property was a card table with cards scattered on it. There were various coloured gaming chips on the table. There were two £70 gaming machines called "Black horse"

There were CCTV cameras in the property. One near the front door which was looking at the floor. Another in the rear of the cafe which was pointed looking at a wall. In the gaming room there was a 3rd monitor which was looking at the street outside. The CCTV monitoring screen was in the kitchen. It was checked and it was trained to be looking at the street outside the front of the property rather than anything going on in the premises.

[REDACTED] said she was in charge but was not the licensee but could not give details of who it was. [REDACTED]

Also noted in the premises were exercise books with money amounts written in it and score sheets. No money apparent though.

It appears the venue is not selling food or drink of any variety. It does not appear to be a coffee shop or ice cream parlour as advertised. Gambling, smoking and drug smoking appear to be taking place at the property. [REDACTED]

E mail to Martyn Fisher to advise.

Assessment, Decision & Administration

Intel Unit Owning Enfield (YE)

Assessment and Decision

Priority Assessment Low
 Risk of Serious Harm? No
 Decision Status NFA / CLOSED
 Focus Desk(s) Safer Neighbourhood Desk

Administration

Administration Status Administration Complete
 Data Standards checked? Y
 Core Records created or updated? Y
 Reviewed for CRIS and Merlin? Y

Briefing

Legacy

FAO Desk Safer Neighbourhood Desk

MAG14

IIP

TREAT AS RESTRICTED

28/05/2013

CRIMINT PLUS - INFORMATION REPORT

URN YERT00360089
 Subject Licensing - Funky Lounge
 GPMS RESTRICTED
 Event Date 17/05/2013
 Date Created 18/05/2013
 Date Updated 20/05/2013
 Risk of Serious Harm? No
 Decision Status NFA / CLOSED
 Administration Status Administration Complete

Details

Subject Licensing - Funky Lounge
 Borough Enfield
 Ward Bowes
 Created By p007725 Lorna TAYLOR (YE)
 Source XRef YEIS00114923

Evaluation

Risk of Serious Harm? No
 CRIS or Merlin Required? No
 Other Refs Cris 52099814/13
 Evaluation B21
 NIM Level 1

Information Marker (Replaces QQ Codes)

Type	Sub Type
Drugs	Possession

Report Information

On Friday 17th May, 2013 at about 2100 hours officers from Bowes SNT attended Funky Lounge 111 Green Lanes, N13. It was a follow up visit from YERT00360088 conducted 16/5/2013 where during a licensing visit smoking was observed. The premises smelt of cannabis and customers fled the property on police arrival.

On this visit there were 3 males observed outside the front of the property on the pavement. The female who gave her details as [REDACTED] was sweeping the alley to the rear of the property.

Whilst we parked the car the female was seen to make into the property quickly after seeing us. When we got into the

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property only the female was present. The males who had been standing outside on the pavement had gone. They had left their jackets on the black leather sofas in the cafe part of the building.

Noted from the visit the night before ashtrays had been cleared away. There was a strong smell of air freshener in the property. Cards and chips from the gaming table had been thrown down the back on one of the sofas in the rear games room

[REDACTED] was asked where the proprietor was. She kept saying she did not know and refused to give his details.

One of the PC s noted that [REDACTED] appeared nervous. She kept looking in the direction of the fridge. Pc Wilson observed that there was a wrap of white powder on top of the fridge. He seized it and arrested [REDACTED] for possession of the wrap as she was the only person on the premises and was in charge of the premises by her own omission.

A SEC 32 search was then conducted of the property. No further drugs were found. In the gaming room a large roll of cling film was found and several small self seal bags were found in both the games room and on the kitchen counter.

Once at YE [REDACTED] was live scanned. She had given false particulars

Her real details are.

[REDACTED]

IC2
F504
PNCID 11/320522K

89 HIGH ST,E17

Known for TDA,prohibited weapons.

[REDACTED] was also in possession of a forged driving licence.

[REDACTED] admitted possession of the white powder which tested as cocaine. She also tested positive for cocaine when given a COZART test.

Subject admitted possession of the cocaine for her own use and the forged driving licence. She was cautioned for both offences.

E mail to Martyn Fisher to advise by SNT

Assessment, Decision & Administration

Intel Unit Owning Enfield (YE)

Assessment and Decision

Priority Assessment Medium

IIP

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Risk of Serious Harm? No
Decision Status NFA / CLOSED
Focus Desk(s) Drugs Desk

Administration

Administration Status Administration Complete
Data Standards checked? Y
Core Records created or updated? Y
Reviewed for CRIS and Merlin? Y

Briefing

Legacy

FAO Desk Drugs Desk

Attachments

Links

KP12

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **PC PANTELI 456YE** URN:

01	YE		13
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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer**.....

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

Signature: Date: 17th of May 2013

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

On Thursday 16th of May 2013 just after 22:00 hours myself and APS Taylor we attended the Funky Lounge, 111 Green Lanes N13 4SP for an alcohol licence visit. CAD 9556/16May13 reference. I am the ward officer for Bowes SNT and on many occasions members of the public informed me that the premises show that they are closed however there are people with suitcase coming from the back alley, there has been smoking and drinking alcohol in all hours and that this happens most nights very late and early hours of the morning causing anti social behaviour in the area. It is intimated that there could be possibly illegal persons at the premises and also smoking drugs and illegal gambling taking place.

I parked the marked police vehicle in Belsize Avenue N13 and myself and APS 405YE Taylor went through the service alley into the back of the premises. The back door was open and I saw two males sitting near the middle door smoking with ashtrays on the table. APS Taylor informed them of the visit and asked who is in charge. The males looked extremely nervous and begun to get their phones out and trying to make calls in their language unknown to me. We then went through the door which, lead to the front of the shop. There I saw another two males sitting by the right side of the shop with clear glasses in front of them. There was a packet of cigarettes on the table with an ashtray full of cigarette butts. Again we asked who was in charge here and the males were again nervous and appeared not to speak English. I smelt the brown liquid in the clear glasses and recognised the smell as whisky.

APS Taylor again was asking who is in charge of the shop but nobody owned up and begun to use their mobile phones. I asked the two males which I first saw at the back of the shop to come and stay in the front of the shop which was separated by a middle door as I thought they were acting very nervously when they saw police and this appeared to me they may have been either absconders or they may have drugs on them as when we entered the shop I could smell cannabis. As I was talking to another two males who materialised from the small kitchen the two males who were acting suspiciously one run out of the back of the shop and the other from the front of the shop. We gave chase but the two males were lost in Kelvin Avenue N13. We returned to the shop and shortly a

Signature: Signature witnessed by:

2006/07(1): MG 11(T)

RESTRICTED (when complete)

RESTRICTED (when completed)

Continuation of Statement of **PC PANTELI 456YE**

female turned up and stated that she was in charge and that she went to the local shops to buy items. APS Taylor asked the female questions in regards to who stays in charge of the shop and she stated that she was. APS Taylor asked the female who the males were who run off and she stated that they were customers. When asked which shop she was in police checked with the shop owner who confirmed this and also informed police that she bought a bottle of whisky amongst other items. Police did not see the bottle of whisky. It is suspected the female may have disposed the bottle to the two males who absconded or taken it to 89 Green Lanes N13.

Clearly there were gambling tables at the back and also playing cards and poker chips. Also there were two gambling machines. The shop did not look like it was well organised and seemed to be a few people who appeared to be on the phone when police arrived to call the boss. There seemed to be a connection with a further shop in 89 Green Lanes N13 Bujani. Police also attended there and again the same set up where there were four males in the back room playing cards and a poker table was on the side but not set up. At the front there was a snooker table with two males playing and a bar. Police spoke to the manager who gave his name as Mr Arjan Elezi and informed him that police were carrying out a licence visit. He stated that they do not sell alcohol only soft drinks. Clearly there was a bar with two empty boxes of Tennessee Whiskey on display. Mr Elezi became very coy and stated that police were upset because two males run from them. It is suspected that during the early hours both shops stage gambling games with money and the so called managers earn their wages by catering to the players. These places where the gambling is taking place is often in the back room and normally access is on know basis with a middle door shut with lookouts in the shop to alert them for police arrival. These shops are often disguised as social clubs with men mostly being members. It was also evident that smoking is allowed at the premises.

Signature: Signature witnessed by:



LICENSING AUTHORITY REPRESENTATION

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

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

Name and address of premises: Funky Lounge
 111 Green Lanes
 London
 N13 4SP

Type of Application: New Premises Licence

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

Background History:

This premises is for a coffee shop and the application is to provide the following activities:

Activity	Applied for Hours
Open	08:00 – 00:00 Mon - Sun
Alcohol (off sales)	10:00 – 23:30 Mon - Sun
LNR	23:00 – 00:00 Mon - Sun

Council records show the following history of complaints:

- Mon 05/09/11 Complaint received alleging that drug dealing takes place at the premises. Information past to the police.
- Wed 07/09/11 Complaint stating that the premises sells food and drink from their back door after 22.30.
- Wed 05/10/11 Another complaint stating that the premises sells hot food out the back of the alleyway late at night.
- Fri 07/10/11 Telephone conversation with complainant. Complainant alleges that people go in and out of the premises until 1am. Complainant also stated that there are ASB issues in the area and that they have smelt illegal substances being smoked inside and outside of the premises. The complainant stated that they have contacted the police about these issues.

Fri 14/10/11 23:55 Out of Hours Licensing Officers (TH & CT) visited the premises. Checked the alley gates on both Melbourne Ave and Sidney Ave and they were all locked and secure. There were people sitting at the back of the premises, behind a curtain. Front door was ajar. Entered and spoke to waitress inside. She said that the premises closes at 7.30pm and the only reason they are open is that it is a friend of the owner's birthday. The Officers could smell smoke and advised staff that smoking is not permitted inside a commercial premises at any time. A couple of men staggered out from behind the curtain. They appeared to be intoxicated. The Officers were not sure if this was due to alcohol or drugs. The member of staff said that the owner was a man named Petrit but did not know his surname. Left 00.05.

Fri 25/11/11 22:30 – An Out of Hours Licensing Officer (TH) visited the premises with the Police Licensing Officer (MFX) and the Bowes & Southgate Green Safer Neighbourhood Team as part of a joint operation. Shutter almost to the ground on arrival, but plenty of people were seen/heard inside. Door was unlocked. Officers entered the premises. Four bottles of beer were found in the bottom of a sandwich fridge along with one Johnnie Walker bottle of whiskey, one bottle Smirnoff vodka, and one bottle Corvoisier. An ashtray with cigarette butts in it was also found inside the premises although the occupants denied smoking. There were approximately ten people in the premises and it was not clear what they were doing inside the premises. No events were being advertised. The Officers left the premises at 23.00.

No complaints received during 2012.

Mon 11/03/13 Complaint received from a local resident alleging that they are disturbed by late night noise coming from Funky Lounge on Green Lanes as late as 2am and that customers enter via the rear of the premises.

Sun17/03/13 02:00 - Out of Hours Noise Officers (PB) approached the premises and found it in darkness. However, two men were seen behind the counter at the rear. Went to rear of premises and could hear voices of men inside.

Wed 15/05/13 Observations by the local Safer Neighbourhood Team (SNT). No one in control of the premises, several people seen smoking. People ran away from the premises on police arrival. Smell of cannabis in the toilets. Evidence of gaming. Alleygates unlocked. Look out seen at the rear. Further group at rear made off on police arrival.

Fri 17/05/13 20:40 – The local SNT visited the premises again. The female in charge appeared nervous, a wrap of white powder was found within the venue and the female was arrested for Possession of a Class 'A' drugs, ie Cocaine. At 21:05, a search was conducted inside of venue and a forged driving licence with the same females details was found. The female was taken to Edmonton Police station and admitted both offences in interview.

Prevention of Nuisance:

This premises is located in a parade of shops on Green Lanes close to the Haringey boarder. There are residential properties above some of the shops, and in nearby side streets. An alleyway runs along the back of the shops.

Cumulative Impact Policy (CIP)

This premises is not located within any of Enfield's Cumulative Impact Policy (CIP) Areas.

Planning Information

TP/10/0585 - Change of use from A1 to smoothie bar/coffee lounge A3 (RETROSPECTIVE). - GRANTED WITH CONDITIONS

Condition 4 - Deliveries and collections to and from the premises shall only take place between the hours of 07.00 hours to 19.00 hours Monday to Saturday and at no other time. Reason: To safeguard the amenities of the occupiers of nearby residential properties.

Condition 5 - The premises shall only be open for business and working between the hours of 10.00 hours to 22.00 hours Monday to Friday, 12.00 hours to 22.00 hours Saturday and Sunday and at no other time. All other activity associated with the use shall cease 1 hour after closing time. Reason: To safeguard the amenities of the occupiers of nearby residential properties.

Condition 6 - Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, or any amending Order, the premises shall only be used as smoothie bar / coffee lounge and shall not be used for any other purpose within Use Class A3, or for any other purpose except a use within Use Classes A1 and A2. Reason: To preserve the vitality and viability of the Shopping Centre.

The hours applied for in this premises licence application exceed those permitted by the current planning permission.

Insufficient planning permission cannot prevent a licence from being granted, however, **if businesses trade without planning permission they will be guilty of an offence under planning law and may be prosecuted by the Planning Enforcement Team.** Therefore businesses must have the relevant planning permission AND licence in order to trade legally. If the times and activities on both are not the same, businesses must stick to the lesser times / activities as failure to do so will be a breach of either planning or licensing legislation.

In summary I wish to make representation on the following:

- **Prevention of Public Nuisance**
- **Protection of Children from harm**
- **Prevention of Crime and Disorder**

The complaints and the outcome of the police visits raise serious concerns in relation to the legitimacy of this premises. I therefore object to any premises licence being granted.

However, if this application were granted in full or part, I would recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition to the proposed conditions in Annex 2 as indicated.

PLEASE REFER TO ANNEX 07

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

If these conditions were accepted in full I WOULD NOT withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: 0208 379 3965 or charlotte.palmer@enfield.gov.uk



Signed:

Date: 28/05/2013

Melbourne Avenue
London N13 4SX

Licensing section
London Borough of Enfield,
Civic Centre
Silver Street
Enfield
EN1 3XA

30 May 2013

Dear Sir/ Madam,

**License application: Funky Lounge, 111 Green Lanes,
LONDON, N13 4SP**

We are writing to make a representation objecting to this application as we do not believe that the applicant has demonstrated behaviours which conform to the licensing objectives – a petition demonstrating local residents anger is being compiled.

Before illustrating lack of compliance we believe a bit of background might be helpful. You will wish to note that a representation has already been made on behalf of the residents to the Council by Councillor Achilleas Gergiou for noise pollution and late night operation by Funky Lounge. The matter is being investigated by Noise Pollution and Licensing Enforcement team and Safer Neighbourhood Team, and the Councillor is fully apprised of the situation. We understand that the Metpolice have already attended to several incidents. A number of attempts to keep the alleygate locked to deter potential criminal activities have been met with abusive responses from some Funky Lounge staff such as “monkeys” or with dismissive attitudes like “I can park wherever I like”.

Nevertheless, the broader picture is that the little quadrant that encompasses Funky Lounge already has two off licences (Mediterranean Supermarket and Aksu Foods) that operate nearly 24/7, three clubs (El Greco, Club Planet, Funky Lounge), three restaurants (Dom's, OZ Cikick and Can's), Ladbroke etc, and granting this application would only exacerbate the situation – see Figure 1 below.

Next, we turn to the licensing objectives:

- a) Prevention of crime and disorder – as discussed above Funky Lounge appear not keen to comply with the spirit of keeping the alleygate locked and yet this had proved very effective in preventing any criminal activities that were developing in the area. With the supply and consumption of alcohol for such long hours it is quite clear that some patrons are likely to get drunk and could get disorderly or could get chucked out onto the streets and cause discomfort to the neighbours whilst trying to get some sleep. This is a very busy through road area

with endemic parking problems for residents – see Fig 2. This is likely to get worse with patrons who might prefer the convenience of their own transport. Also, Funky Lounge hopes to provide some catering on the pavement in front but we fear there will be spillovers at the back leading to more aggravation on the alleyway situation. Neighbours are constantly forced to challenge some patrons loitering past mid night along the side roads and having rather loud conversations (including on their mobile fones) which disrupts sleep and this is likely to get worse.

- b) Promotion of public safety and prevention of public nuisance – it is of concern that even with apparent low activity levels litter appears to be an issue – see Fig 3. Nearly every week mountains of black bags (especially on Fridays) can be seen and some of them are split and this could easily lead to rats infestation again. It took concerted effort including the Council's provision of wheelie bins for this to be eradicated but all that could easily be undone. Noise pollution as discussed above is likely to increase and this will not only disrupt sleep but also the development of a lot of children in the neighbourhood. The alleygate posts have been known to provide convenient shelters for unscrupulous people to relieve themselves (see Fig 4) and this is likely to get worse late at night when some drunk patron may turn the alleyway into some kind of toilet if they cannot be bothered to wait their turn at the urinals etc.
- c) Protection of children from harm - the extent of cigarette butts discarded without due consideration (see Fig 2) suggests that passive smoking could increase with major consequences not only for children's development but neighbours health/ wellbeing. As the black bags split it beggars belief what other dangerous objects such as sharps might be exposed etc.

On the whole although the neighbourhood is very busy during the day residents take some comfort in knowing that at night there is some peace and quiet but with Funky Lounge proposing to operate until midnight this semblance of tranquillity would be decimated, and we fear many neighbours might wish to move houses if only some poor souls can be found to replace them. In reviewing this application we would strongly urge you reflect on the representations made not only by Councillor Achilles but also your Licensing Authority; to speak to the Met Police (contact: Simon Denny) at Bowes Park Safer Neighbourhood Team who should be able to tell you of their experiences of not only dealing with Funky Lounge incidents but more generally of trying to keep peace in the area.

We would be grateful if you could take this representation into account in reviewing the application.

Kind regards

John/ On behalf of the residents

Figure 1: Funky Lounge location

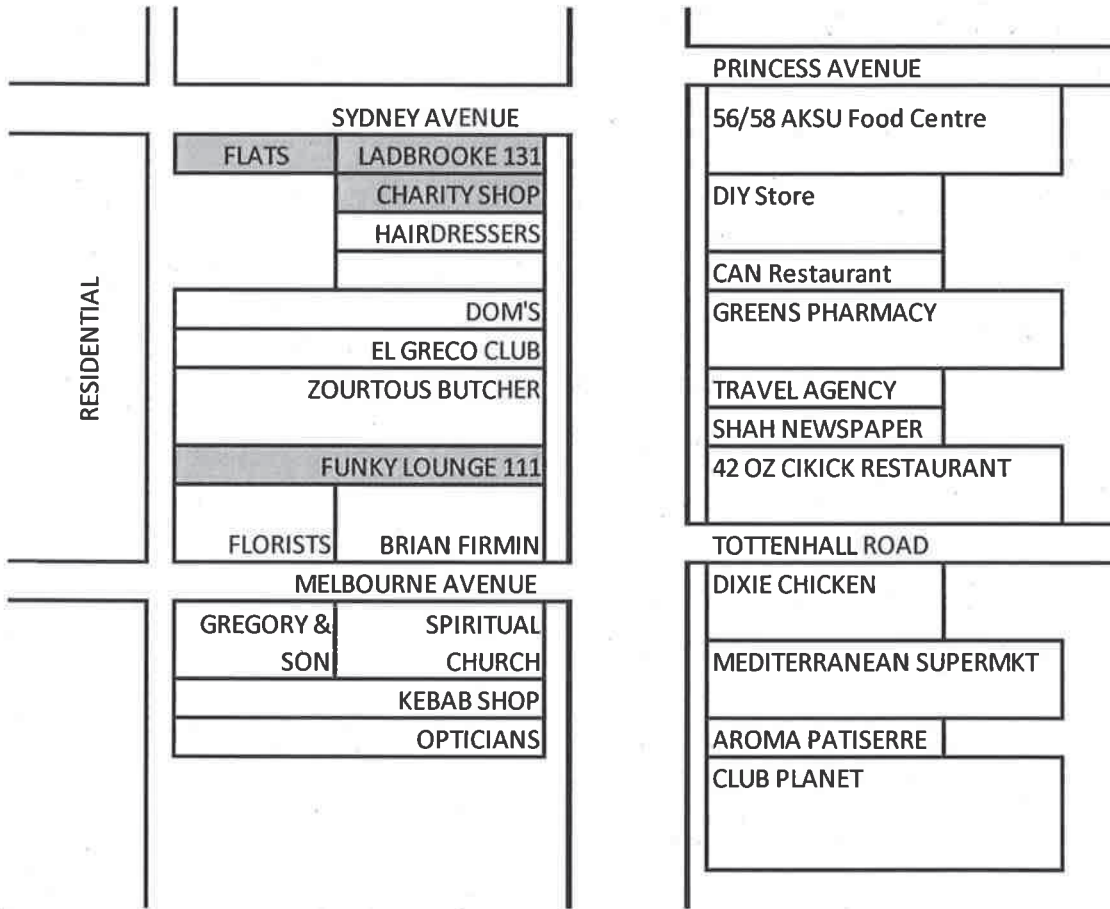


Figure 2 – alleyway parking



Figure 3 – Evidence of litter



Figure 4: Toilet?



Funky Lounge

111 Green Lanes - Palmers Green - N13 4SP



06/06/13

Dear Neighbour,

We have been informed that the business we leased has caused several issues in regards to the noise nuisance, disturbance and anti-social behaviour. We had to lease the business out due to my medical condition and extensive on going treatment, our initial checks on the tenants did not highlight any issues relating to their past behaviour and everything was dealt with in good faith. Since returning to enough health we have been working with the local authorities (Council & Police) and have successfully removed the tenants which cause you so much distress. We are now in the process of renovating the building and returning back to trade as a family run Coffee Shop/Ice-cream Parlour that I am sure most of you remember. We wish to trade in such a manner to regain our loyal customers as well as attract a higher calibre of clientele to the area, for that we have been informed that we require the appropriate licences from the local authority, we have started this process, but believe that you were not updated to the fact we have taken back the running of business.

The issues raised in your letter to the council about our application have come as an absolute shock. As members of the community ourselves we do not wish to add to the problems within the area and have taken the steps to ensure that this is not the case. In regards to your objection to our proposed functions we hope that knowing we are returning to the area all of the previous issues of concern will be removed. The primary function of our business is providing hot and cold drinks as well as light cold and hot food as we use to, in calm warm ambiance with friendly courteous service. Obviously returning for the second time we now wish to bring new and interesting things to our community, we are considering light alcoholic refreshments, if we gain your collaboration and get granted the necessary license. We are also considering introducing a various range of frozen yogurts which will be our exciting addition to our menu.

We do not intent to open the premise for the entire proposed times under Late Night Refreshment proposal, just to have the flexibility to operate if and when it is necessary, as we previously use to quite often cater for children and teenagers birthday parties and our customers seem to be disappointed when we did not allow them to consume any alcohol in the premises. Our premise is completely different to the other late night licensed premise in the area. When we first opened up Funky Lounge we were so overwhelmed with the community's reaction. Everyone was so happy that we had brightened up green lane and how lovely the place was. "A place that you normally expected to find in the west end", a customer told me once. That is exactly what we aim to do. Bring that brightness to the area, improving it as much as possible. Giving our children, teenagers, mums, etc. a lovely place to lounge, grab a quite bite to eat or indulgence in our delicious range of ice creams. This way we will most definitely detach our premises to all the other that we have recently been compared and creating turning point against all the problems of the recent past, but we are aware that this can be a tough process and we will need all our support.

We would like to offer you the opportunity to put forward your issues as we value the opinion and suggests made by any resident on problems and resolutions. We currently have builders in the premises and due to on-going health treatments we will not be around the next couple of weeks or so, but please feel free to telephone us or email us. We feel that together can help improve the area for its residents and businesses.

Yours sincerely,

Nick & Cristina



Temporary Tel No.: 07757 912811

Email: info.funkylounge@gmail.com

FUNKY LOUNGE - WK/213011716**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**PROPOSED BY APPLICANT :**

3. 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.
4. 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.
5. Customers shall be discouraged from congregating inside/outside the premises.

Annex 3 - Conditions attached after a hearing by the Licensing Authority**REQUESTED BY THE METROPOLITAN POLICE SERVICE :**

6. 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 viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time, and place of any image; (8) Provide good quality images – colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file

format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

7. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
8. Toilets at the premises shall be checked for any sign of drug use an average of every two hours whilst the premises is open for licensable activity. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6 months.
9. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.
10. The designated person should take reasonable steps to ensure that all employees understand their responsibilities under the Code of Practice for Equal Chance Gaming in Clubs and Premises with an Alcohol Licence.
11. The DPS shall keep up to date with limits on stakes and prize moneys with regards to equal chance gaming in clubs and premises with an alcohol licence.
12. An up to date copy of the Code of Practice for Equal Chance Gaming in Clubs and Premises with an Alcohol Licence shall be kept on the premises and be made available for customers should they so wish.
13. The designated smoking area shall be at the front of the premises only.

REQUESTED BY LICENSING AUTHORITY :

14. All incidents of crime & disorder shall be recorded in an incident logbook. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.
15. 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.
16. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

17. 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.
18. 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.
19. All customers shall enter and leave the premises via the front of the premises.
20. The rear outside area shall not be used by customers.
21. A Personal Licence holder shall be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
22. The front and rear escape routes shall be free from obstruction at all times. The front and rear escape doors and any internal doors on the escape route shall remain unlocked whilst the premises is open.
23. Clear glass on all windows shall be fitted to allow clear sight into the premises when open.
24. Curtains or other forms of window coverings shall not be used to block sight access into the premises when open.

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LICENSING SUB-COMMITTEE - 30.1.2013

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 30 JANUARY 2013****COUNCILLORS**

PRESENT Derek Levy (Chairman), Andreas Constantinides and Dogan Delman

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Ellie Green (Principal Trading Standards Officer), PC Martyn Fisher (Police Licensing Officer) and Jacqui Hurst (Governance Team)

Also Attending: Applicant (Mr Huseyin Timur), Applicant's representative (Rachel Kapila), Ozlem Ustun, Filiz Carogar, Gul Timur

614**WELCOME AND APOLOGIES**

The Chairman welcomed all those present and explained the order of the meeting.

615**DECLARATION OF INTERESTS**

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

616**ENFIELD WINES, 223 FORE STREET, EDMONTON N18**

RECEIVED an application made by the Licensing Authority for a review of the Premises Licence for the premises known as and situated at Enfield Wines, 223 Fore Street, Edmonton, N18.

NOTED

1. The introduction of Mark Galvayne, Principal Licensing Officer including:
 - a. An application had been made by the Licensing Authority for a review of the Premises Licence.
 - b. The review is made on the grounds of the prevention of crime and disorder licensing objective. The premises had been found to be selling

LICENSING SUB-COMMITTEE - 30.1.2013

counterfeit and non-duty-paid alcohol. The premises also had a history of offences breaching the Licensing Act 2003, namely non-compliance with the conditions of the Premises Licence.

- c. The authority considers that it is appropriate, for the promotion of the licensing objectives, to revoke the licence.
- d. Each of the Responsible Authorities had been consulted in respect of the application.
2. The opening statement of Ellie Green, Principal Trading Standards Officer, including the following points:
 - a. A summary of the main areas of concern as detailed in her application for a review of the premises licence, as circulated with the agenda papers. Mr Huseyin Timur had been the named Premises Licence Holder and Designated Premises Supervisor since 2005.
 - b. The history of the premises from July 2010 as detailed in the report, setting out the individual visits and the breaches which had taken place. The premises had been found to be selling counterfeit and non duty paid alcohol, and a number of non compliance instances with the conditions of the premises licence.
 - c. Advice had been given by officers to Mr Huseyin Timur and a warning letter had been issued, as circulated with the agenda papers (Appendix A). There had been a minor variation to the premises licence in the summer of 2012.
 - d. In relation to the alcohol seized by HMRC on 2 July 2010 and 31 August 2012, the total revenue due was £1,137.79. A statement from HMRC was included as Appendix B to the agenda papers.
 - e. The responsible authorities were seeking a revocation of the licence.
 - f. In response to a question from Councillor Levy, it was noted that the revenue due as calculated by the HMRC was only based on the two visits to the premises when they had been present. The actual figure for all breaches could be higher.
 - g. In response to a question from Councillor Constantinides, assurance was given that Mr Huseyin Timur had been warned about the potential consequences of his actions.
 - h. The applicant's representative, Rachel Kapila, asked Ms Green was she aware of recent test purchases made at the premises in December 2012, Ms Green advised she was not.

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3. The opening statement of Martyn Fisher, Police Licensing Officer, including the following points:
 - a. Mr Huseyin Timur as the premises licence holder had failed to demonstrate that he was suitable for the role in question. He had been seen to be irresponsible and untrustworthy and had not heeded the warnings provided. The Police would support the revocation of the licence.
4. The opening statement of Rachel Kapila, the applicant's representative, including the following points:
 - a. It was accepted that the breaches had taken place as outlined above. However, it was stated that the three seizures in 2012 had been from the same purchase of counterfeit/non-duty paid alcohol. On each occasion the alcohol had been taken from different areas of the shop, as outlined in the application (pages 11, 12 and 13 refer). Ms Kapila stated that the purchase had been made by Mr Ozcan Timur, the son of the licence holder.
 - b. It was stated that Mr Huseyin Timur's English was limited and that this had added to the difficulties experienced and the failures in meeting the licence conditions. It was accepted that there had been delays in meeting the additional licence conditions agreed in the summer of 2012 although they were now all in place.
 - c. Recent test purchases at the premises had been found to be compliant. Enfield Wines was a family business supporting Mr Huseyin Timur, his wife, his son and one of his daughters (not Gul Timur). Rachel Kapila asked that the Sub-Committee consider what would be proportionate action in the light of the breaches which had taken place.
 - d. Rachel Kapila outlined the changes that the family were willing to make in moving forward with the business. A change in premises licence holder was proposed with Gul Timur (Mr Huseyin Timur's daughter) becoming the Designated Premises Supervisor (DPS) as soon as possible. She had recently taken her personal licence examination. In the meantime, it was proposed that Filiz Carogor, the manager of "Enfield Mini Market" become the DPS until Gul Timur was qualified. Rachel Kapila also offered additional conditions that could be added to the premises licence in relation to reporting any counterfeit/non-duty-paid alcohol offered to the premises; providing access to the premises to officers from the Council, Police and HMRC; and, that only the DPS would make purchases of stock for alcohol and tobacco.
 - e. Whilst the seriousness of the breaches was acknowledged, Rachel Kapila highlighted the options open to the Sub-Committee other than revocation of the licence.

LICENSING SUB-COMMITTEE - 30.1.2013

- f. In response to the representations made by Rachel Kapila a number of issues were raised by Members and the officers present. Members questioned the source of the counterfeit/non-duty-paid alcohol, there was confusion over whether it had been purchased from a cash and carry or from someone coming to the premises. There was no evidence produced. It was also noted that the licence had been held for some time so there should be no ignorance on the terms of the licence. The question was raised as to why all of the alcohol concerned had not been removed from the premises by Mr Huseyin Timur following the first seizure.
 - g. Members clarified the proposed change in DPS at the premises as outlined above. Mr Huseyin Timur would surrender the DPS. It was also the intention to transfer the licence to Gul Timur (his daughter) as well as the DPS.
 - h. It was noted that whilst Gul Timur was the proposed new DPS, she would only be at the premises on a part-time basis as she also had another job. It was a family business and therefore other family members would still be at the premises.
 - i. Both Members and Officers raised the issue of illegal stock remaining on the premises following the first seizure. It was felt that the premises should have been thoroughly checked by Mr Timur. Martyn Fisher, Police representative, confirmed that the HMRC were very thorough on checking stock and would have ceased all illegal goods found. In his defence Mr Timur stated that he had assumed all illegal stock had been removed and he did not see it was his responsibility to check his stock.
5. The closing statement of Mark Galvayne, Principal Licensing Officer, including:
- a. Members' attention was drawn to sections 11.27 and 11.28 of the Guidance issued by the Secretary of State to the Home Office of October 2012, as shown on page 3 of the agenda papers.
 - b. Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives.
6. The closing statement of Ellie Green, Principal Trading Standards Officer, including the following points:
- a. The seriousness of the matter was highlighted. Additional conditions had been put in place but further breaches of the licence conditions had occurred. The offer of additional conditions by the applicant's

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representative was noted but it was felt that such conditions could be difficult to enforce.

7. Martyn Fisher, Police Licensing Officer, had no additional points to highlight.
8. The closing statement of Rachel Kapila, the applicant's representative, including:
 - a. That the HMRC had not removed all of the illegal alcohol from the premises on their first visit.
 - b. Sections 11.20 and 11.21 of the Guidance issued by the Secretary of State to the Home Office of October 2012 were highlighted. It was stated that the remedial action should be appropriate and proportionate to the breaches which had taken place.
 - c. Gul Timur (Mr Huseyin Timur's daughter) was articulate and capable and was the proposed future DPS for the premises. She had not previously been involved.
 - d. Attention was also drawn to the offer of additional conditions on the premises licence.

RESOLVED that

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

The Licensing Sub-Committee (LSC) retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Chairman made the following statement:

"On the basis of the written evidence previously provided and the oral submissions made at the Licensing Sub-Committee (LSC) on the day, it was deemed appropriate that the premises licence for Enfield Wines, 223 Fore Street, Edmonton N18, be revoked.

The LSC heard and considered the offered change of premises licence holder (PLH) and Designated Premises Supervisor (DPS), and the offered additional conditions. However, the LSC was not persuaded that this would be sufficient to address the harm that has resulted in today's review.

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The LSC was advised that the offered new PLH and prospective new DPS (Gul Timur) would only be working in the business part-time in the mornings whilst still maintaining her other job. However, Mr Huseyin Timur and Mr Ozcan Timur as far as the Sub-Committee is aware would still be working full time in the family business.

It was under their control that the business purchased and sold counterfeit and non-duty paid alcohol. When questioned about what steps Mr Huseyn Timur took to check his own stock, he asserted that he did not feel it was his responsibility to validate all stock after the visit of H M Revenues and Customs (HMRC) and Council officers.

Also there were inconsistencies in the explanation offered today for the presence of the illegal alcohol and what was offered to officers at the time of the investigations.

The PLH holder did offer up the possibility of an interim DPS in the person of Filiz Caragor, but too little information about her role and experience was given to persuade the LSC that this would be an appropriate step to take.

The LSC also considered the additional conditions offered but were again not sufficiently persuaded they would assist in addressing the harm which had taken place previously undermining the licensing objective of the prevention of crime and disorder. Also the LSC were mindful that the agreed conditions added in the summer of 2012 were themselves not complied with, and found to be in breach on two occasions.

The LSC considered what steps were appropriate to promote the licensing objectives. In this deliberation the LSC considered the statutory guidance at sections 11.20 and 11.21, to which attention was drawn by the PLH's representative; but it also considered the statutory guidance at sections 11.27 and 11.28.

On the weight of the evidence before it today, the Licensing Sub-Committee decided that the appropriate step to promote the Licensing objectives was to revoke the licence".

617

MINUTES OF PREVIOUS MEETINGS HELD ON 10 OCTOBER AND 19 DECEMBER 2012

AGREED that the minutes of the previous meetings held on 10 October and 19 December 2012 be confirmed and signed as a correct record.

LICENSING SUB-COMMITTEE - 17.4.2013

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 17 APRIL 2013**

COUNCILLORS

PRESENT (Chairman)Derek Levy (Chair), Andreas Constantinides and Anne-Marie Pearce

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: James Rankin, Barrister, James Beck, and PC Martyn Fisher on behalf of Metropolitan Police Service
Philip Walton and George Vassili, joint licence holders, and Ahmet Izzet, head of security, Rattlers Wine Bar

896

WELCOME AND APOLOGIES

The Chairman welcomed all those present, introduced the Members, and explained the order of the meeting.

897

DECLARATIONS OF INTEREST

NOTED that there were no declarations of interest.

898

**RATTLERS WINE BAR, 36 LONDON ROAD, ENFIELD, EN2 6DB
(REPORT NO. 214)**

RECEIVED the report of the Principal Licensing Officer and additional representations dispatched further to the report.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Agenda items were clarified with bundles of papers numbered for ease of reference during the meeting:
 - Agenda – Part 1 to be referred to as Bundle 1
 - Additional representations to be referred to as Bundle 2
 - Additional representations – 2nd dispatch to be referred to as Bundle 3
 - Additional representations – 3rd dispatch to be referred to as Bundle 4
 - Additional representations – 4th dispatch to be referred to as Bundle 5

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- b. This meeting was a full licence review.
 - c. The licence had been suspended since 22 March 2013.
 - d. It was for Licensing Sub Committee, having heard all representations, to take such steps it considers appropriate for the promotion of the licensing objectives.
2. The opening statement of James Rankin, Barrister for Metropolitan Police, including the following points:
- a. The application centred around the incident which took place on 16 March, when three people were stabbed, two in the abdomen and one in the lung. The police view was that this was a near miss and there could have been three murders that night.
 - b. PC Fisher had advised that in his years of policing experience, this had been the worst incident he had seen.
 - c. A dvd was shown twice, which contained CCTV footage from LBE cameras in London Road outside the venue at 01:57 to 02:02 on 16 March, with an opportunity given for all parties to pause and provide commentary and identify individuals as required.
 - d. It was accepted that there was a short time frame from developments being picked up by CCTV operators and the arrival of police, but there had been ample time for the licence holders to telephone the police. This was also not an isolated incident. PC Fisher had researched previous incidents at this premises between 18/2/12 and 9/2/13 and on each occasion the police had not been called.
 - e. This premises had developed a reputation for disorder. There had been a violent incident every month; involving a man retrieving a wheel brace from a car for example. People attracted to the premises were in the main male and resorted to the bar as it had a late licence for alcohol and a late closing time.
 - f. The speed at which this incident on 16 March escalated was not normal. It started with some pushing and shoving as the assailant dropped a cigarette.
 - g. 16 March was a busy night in the bar. There were also a large number of people who assembled outside, and there was mention of people being summoned by mobile phone / arriving in cars. The incident was unpleasant, took place very swiftly and the people attracted were men of violence, which is why it accelerated as it did.
 - h. On the CCTV coverage, Mr Walton appeared to have something in his hand which may or may not have been a mobile phone and hesitated before placing it back in his pocket.
 - h. Mr Walton made representations to some extent suggesting he was a victim and singled out for attention. The police maintained that this premises was being run badly and wished to see it closed.
 - i. On 28 March, police requested interim steps to be put in place 'while the dust settled'. No arrests had been made. A cursory search of the man with the bag would have revealed any knife.
 - j. Since the licence had been suspended, crime in the area had decreased markedly. Evidence of this was shown in Bundle 3, in PC Fisher's email

LICENSING SUB-COMMITTEE - 17.4.2013

detailing the three weeks up to 17 March when there were 15 crimes within a 100 metre radius, and the three weeks following closure when there was not a single crime recorded in the vicinity. Police considered this was not a coincidence.

k. PC Fisher responded to a number of questions from Mr Rankin, to confirm:

- The typical customers of this premises were young men.
- The incident occurred around 02:00.
- A weapon had been used.
- It was very much expected that police would be called first thing.
- The club had not phoned for the police during previous incidents: all had been picked up by LBE CCTV.
- An analyst had found there had not been any incident of crime in the vicinity since this premises had been closed.
- A man had been arrested for the stabbings, pending identification.
- Bar staff had been unwilling to attend an identity parade.

l. Police were seeking revocation of the licence of this premises which was a crime attractor and a drain on police and ambulance resources.

3. Police representatives responded to questions as follows:
 - a. In response to Councillor Pearce's query, police were unable to confirm who of those involved in the fracas had been inside the bar, but from statements it was apparent the group of black males and females were inside and involved in bumping into someone when coming outside.
 - b. In response to Councillor Constantinides' query, it was confirmed that data was available only for the three week periods before and after suspension of the premises licence. Police confirmed there was a busy crime period in the lead up to 16 March and that it was no coincidence that in the suspension period there had been no crimes.
 - c. In response to Councillor Constantinides' query that it had been implied a weapon had been carried into the club, PC Fisher advised that the suspect came straight out of the club with no access to a car, was assaulted by people outside and used this weapon in the man bag to defend himself.
 - d. Councillor Levy raised that evidence had been provided, including over an extended period of time, suggesting symptomatic failure of management, but noting that many incidents took place outside the venue and querying the direct association with the club's management. PC Fisher advised that people were attracted to this premises and would walk some distance to it because it was a late venue.
 - e. In response to Councillor Levy's queries regarding likelihood of retribution while the key victims were hospitalized, it was advised that issues remained in respect of friends and relations. The club had not offered any steps to mitigate the possibilities and it could not be pre-supposed what actions would be taken by the licence holders.
 - f. Councillor Levy queried why police had not called a review earlier if they considered the premises were not being operated properly. PC Fisher confirmed there was a review hearing in 2007, and that this recent incident

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was so serious that it became obvious that action needed to be taken, and suspension was considered appropriate.

g. In response to Councillor Levy's remarks about the amount of activity being undertaken by club staff during the incident, including administration of first aid and separation of the parties, PC Fisher agreed there was some action, but he could not say whether it was correct or not. He would have expected door staff to note the people and cars arriving outside, gauge the mood outside and not let customers out in these circumstances.

h. PC Fisher confirmed that police had made no reference to conditions of the licence in their submission.

i. PC Fisher advised that every time an incident had taken place, he had phoned Mr Walton for a discussion. Up until 16/3/13 he had not felt it necessary to instigate a review process. Details of incidents in previous years had been submitted to this hearing to give a flavour of events at the venue.

j. In response to Councillor Pearce's query regarding victims not being prepared to give evidence, PC Fisher could not give reasons, but that they may wish to deal with things themselves rather than get police involved.

k. PC Fisher confirmed that a complaint against door staff included in Bundle 5 from July 2012 had not been substantiated.

l. In response to Councillor Levy's queries, police representatives clarified emergency call procedures and national policies.

m. In response to Councillor Constantinides' queries regarding business operators' protection of their reputation, police advised that it would be held in licence holders' favour if they had regular contact with the police and notified incidents. It was confirmed that Mr Walton attended regular Pub Watch meetings.

n. PC Fisher confirmed he was aware of incidents of a violent nature at the premises, and Mr Walton had given assurance they were being dealt with appropriately, but this incident was too extreme and it had been necessary and appropriate to take steps.

o. In response to Councillor Levy's queries whether tighter conditions had been informally suggested, PC Fisher advised that the licence conditions had seemed to be adequate up to this month. Historic incidents were listed to back up the assertion that Mr Walton was not proactive in calling the police.

p. In response to Councillor Levy's further queries, PC Fisher advised that as well as not calling the police, club staff had failed to search the customer entering with the man bag. There was a condition in relation to searches in the licence – Condition 33. It was acknowledged there could not be 100% certainty that the man bag contained a knife. Actions of the door staff were also questionable. They had seen some pushing and shoving and that people were gathering outside. The man in the process of being ejected was the chief suspect. Door staff could have done more on the night to prevent the incident happening by not letting the group out to a pack of people waiting outside.

q. Mark Galvayne drew attention to current conditions attached to the licence, and asked if police were alleging a breach of Condition 37. PC

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Fisher confirmed that though specific conditions were not quoted, this was obviously a condition that was breached on 16 March.

r. In respect of no reported crimes in the three weeks following 22 March, Mark Galvayne asked if the fact that Club Warehouse was also closed during that period would be expected to affect incidents in Enfield Town. PC Fisher advised that would not necessarily be so as Club Warehouse was quite far away and a different type of venue with later hours and a much larger catchment area.

4. The opening statement of Mr Philip Walton, licence holder, including:
 - a. He had checked with a senior London Ambulance Service officer in respect of emergency calls, who confirmed that Ambulance staff would contact police if they were called to a stabbing incident. Police, Fire and Ambulance were all on the same CAD. Door staff member David Chesterton had called the emergency number and asked for an ambulance and advised that someone had been stabbed. It was understood this would be relayed to the police. As far as he was concerned, the club had contacted the police on 16 March.
 - b. The club also had a radio to make direct contact with the CCTV operations centre, and were the only club in Enfield Town to have taken on a subscription to this service as they were advised it would be a good idea.
 - c. Bundle 4 contained information provided by Mr Agar in respect of the crime data. The 100m radius of Rattlers covered seven late night venues, the car park and station. Incidents overlapped, some were duplicates, and some were unattributable to any premises.
 - d. He was able to provide further details on the incident involving a wheel brace, which took place some distance along the road outside Enfield Tandoori restaurant, but his door staff assisted, and the man was known to them as even-tempered and without violent intent.
 - e. The three weeks following 22 March also included the Easter bank holiday weekend, when there would normally be expected to be increased police presence walking around Enfield Town and which would deter over-exuberance and casual criminality.
 - f. Condition 33 attached to the licence related to search policy. Anyone who looked like they would be problematic or may have drugs would not be let in. His 37 years' experience in the business was utilised to assess customers and manage entry. Everything was logged. Rattlers staff also gave assistance to neighbouring businesses. They were very proactive.
 - g. In the dvd coverage, they were the bar keys he was seen taking out of his hand and putting in his pocket. In the incident there had seemed to be two disparate groups. The male with the bag was off camera for some of the time. It was not possible to see a knife. Medical reports referred to "a knife or sharp instrument". He may have appeared inactive on the dvd, but was continually marshalling his staff, and putting into place protocols agreed with police in respect of separating factions and making use of the club's rear exit. Door staff were not aware that three people had been stabbed. The incident was very quick. First aid was given to the stab victim who came to the club entrance. It was not known where he came from, but

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a door supervisor could be seen dealing with the wound and dialling 999 on his mobile. It was also seen that police arrived very quickly, and before the ambulance.

h. He clarified that the man was not ejected. There had been no trouble inside the club. It was late and when the cigarette was dropped and behaviour was boisterous, he was taken aside to be spoken to.

i. Rattlers staff would not necessarily have noticed cars arriving outside as vehicles were frequently pulling up near the take-away restaurants and cash-point.

j. Many customers wore courier bags to carry their wallet, phone, etc. These would not raise suspicions. A backpack or holdall would always be searched. On 16 March this bag was not hidden.

k. The group including the man with the bag had been in the club all night and had been perfectly pleasant.

l. The club owners had always complied with their licence, adhered to all conditions and licensing objectives, and done everything asked of them by PC Fisher straight away. He also gave full co-operation to the police and Chief Superintendent Wilson after the incident. He was told that PC Fisher would also make contact, but that did not happen so he made a call to him on the Wednesday morning.

m. The club opened on the Thursday night without incident.

n. He did not consider that people involved in the incident would return to the area or the club.

5. Mr Walton responded to questions as follows:

a. In response to Councillor Levy's queries in relation to the club's historical relationship with the police, it was advised this had always been and remained very good, as it also was with Trading Standards. Authorities had never requested additional conditions.

b. It was further advised that the licence holders attended every Pub Watch meeting since 2007, and informal discussions with police after these. They had acted on all advice, such as having the radio link.

c. Councillor Levy asked if management systems had broken down on 16 March. Mr Walton advised this was not the case. Rattlers staff had separated the factions and acted appropriately.

d. Mr Walton advised that the dialogue with the police after the incident was out of the ordinary as it was with CID. They had the best evidence which was the CCTV from the rear exit area.

e. He further advised that police had given no prior indication in respect of revoking the licence. The interim steps had been framed as a cooling off period in the interests of public disorder.

f. He confirmed that he considered the conditions appropriate for the club to be well run.

g. In response to Councillor Pearce's queries, Mr Walton confirmed that in his opinion all those involved in the incident had not been inside the club. There had been a maximum of around 120 customers that night, but many moved between venues, and by that time the premises were starting to empty and there were around 30 to 40 people inside. There were up to 35

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people outside the club. He knew all regular customers. The assailants were not known to him, but had given no concerns in the club.

h. In response to Councillor Pearce's further query regarding the cause of the fracas, Mr Walton clarified the alleged dropping of a cigarette in the queue to come outside to smoke and the scuffle and the man being taken aside and spoken to by the doorman. When the man had exited the club he had been punched.

i. In respect of Conditions 38 and 39, it was advised that they were not difficult to adhere to and they were experienced operators.

j. In response to Councillor Constantinides' queries, it was confirmed the radio link was used to advise the CCTV operations centre of when the club was opening and closing.

k. In response to Councillor Constantinides' queries in respect of actions on 16 March, it was confirmed that door staff formed a barrier across the door to prevent entry and to stop those inside coming out and adding to the confusion. There were six staff with SIA badges on duty and taking action that night. The incident had taken less than five minutes. There had been no indications there was going to be a problem. Procedures for escorting people through the back of the club had been agreed with the police. On such occasions where people were outnumbered and in fear for their safety they were generally happy with the arrangement. The club's CCTV cameras captured images by the rear exit.

l. In response to Mark Galvayne's query regarding Condition 33, it was confirmed the policy was to search and exclude those suspected of carrying illegal drugs or offensive weapons, and advised that on the Thursday following the incident all customers were searched.

m. In response to James Rankin's queries, it was confirmed that the venue was generally only busy after 23:00, but there were other late night establishments and clientele often frequented a number of bars and if Rattlers was not open they would go elsewhere.

n. It was denied that the incident took place in the bar: there had been a minor dispute inside. The people that were fought with were outside. The profile of people on the dvd was not the normal bar clientele.

o. It was not accepted that the premises was the catalyst for violence. The incident may have been equally likely to happen elsewhere.

p. Rather than suggesting the premises was singled out for unwarranted criticism, Mr Walton wished there to be parity in comparison with other venues.

q. It was confirmed that year on year, the number of incidents where police needed to be called had reduced. The premises was covered by CCTV, and had the radio link and cooperation with LBE CCTV.

r. It was advised that the radio had been returned in December as operators had stopped answering them and the operations manager had advised the radio link was set up rather for day time users and in relation to street robberies and shop-lifting.

s. In respect of queries regarding the bar keys, Mr Walton advised he and Mr Vassili always kept them on their person and gave them to staff as required to access the cellar or office, etc.

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6. The closing statement of Mark Galvayne, Principal Licensing Officer, confirming that it was for Licensing Sub Committee, having heard all representations, to take such steps it considered appropriate for the promotion of the licensing objectives.
7. The summary statement of James Rankin, Barrister for Metropolitan Police, including the following points:
 - a. Having noted the direction of travel of the meeting, he wished to introduce amended conditions / terminal hour to the licence which could improve the venue's operation. Copies were provided for distribution, and are appended to the minutes.
 - b. He confirmed, the police's primary position was application for revocation of the licence, but if the sub-committee were not minded to revoke the licence he asked for consideration of suggested conditions and hours listed.
 - c. The key point was a request for an earlier terminal hour of 01:00 for licensable activity given that all the issues occurred after 01:30.
 - d. It was also considered important there should be no entry / re-entry to the premises after 00:00.
8. The summary statement of Mr Philip Walton, licence holder, including:
 - a. He believed they ran a suitably managed premises and observed all conditions and licensing objectives.
 - b. On 16 March there was nothing more they could have done on the evening or at any time to prevent the incident.
9. The meeting was adjourned for a one hour lunch break and to provide an opportunity for the licence holders to read the conditions / terminal hours sought by police.
10. The statement of Mr Philip Walton, licence holder, advising he felt there should be another hearing for consideration of the proposals tabled by the police. The terminal hour proposed was unreasonable, and technically would equate to a licence revocation in its effect. The premises already met many of the suggested conditions, but he rejected all those which were not already encompassed.

RESOLVED that

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

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

2. The Chairman made the following statement:

“The Licensing Sub-Committee (LSC) has considered all the written and oral submissions to the full application review hearing brought upon Rattlers by the Metropolitan Police Service (MPS).

The LSC has determined that the MPS failed to make its case that the only appropriate step to promote the licensing objectives would be revocation of the licence.

In its submission, the MPS asserted that there had been a serious and total breakdown in management procedures on the night of 16th March 2013, but the sub-committee was not persuaded that the evidence presented supported this assertion.

It is accepted by both parties that the incident (which included a triple stabbing) and occurred outside the premises in London Road lasted only three minutes and the police were on scene within 2½ minutes.

However, the MPS criticised the Premises Licence Holder for not calling them within this very short timescale.

When asked what steps they thought the Premises Licence Holder could have taken to prevent this incident, the police failed to offer any adequate reply.

It is accepted by all parties that the premises staff rendered first aid and phoned for an ambulance for one of the victims, who was the only individual they were aware of at the time. They also separated the combatants by taking the party initially attacked through the bar, and out the back door. Other door supervisors attempted to control the crowd that had gathered outside and in the close vicinity of the front of the venue.

Since the incident, the premises staff have willingly co-operated with the police to support their investigations into this serious incident.

As part of the subsequent submissions, the MPS provided details of incidents which have occurred within 100 metres of the premises, none of which actually took place within Rattlers. The LSC took the view it would be unfair and inappropriate to close this one town centre venue, where there are other late night drinking establishments very close by. The MPS submission failed to demonstrate that such historic episodes of crime and disorder were either linked to the premises, or more importantly, due to failure of the Premises Licence Holder.

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The sub-committee noted, and it was confirmed by the MPS, that the police have had no grounds to allege any particular failures in the management of these premises since the May 2007 review until this one, albeit serious, incident in March.

Given the reasons stated above for refusing the application for full revocation of the licence, the LSC also concluded that no case either has been made to justify the amendment of terminal hours, or the modification of conditions on the licence.

This decision having been taken, the LSC decided it was therefore appropriate both to restore the licence without amendment, and to withdraw the interim steps with immediate effect.”

3. The Licensing Sub-Committee RESOLVED that it considers the step listed below to be appropriate for the promotion of the licensing objectives:
To restore the licence without amendment and to withdraw the interim steps with immediate effect.

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APPENDIX : CONDITIONS / TERMINAL HOURS SOUGHT BY POLICE

Police are seeking to amend the current operating hours of Rattlers as part of this review if revocation is not granted. It is apparent from both this incident and the other reports referred to in this application that all of the issues occur after 01:00.

With this in mind, Police request that all current licensable activity terminates at 01:00 hours and that all patrons be out of the premises at 01:30 hours.

Police are also seeking to strengthen the entry and search measures currently in place at the club as follows;

Current Condition 12: All door supervisors on duty must wear high visibility armbands at all times premises are open. *To now read:* All security staff will wear high visibility reflective jackets whilst on duty with SIA badge on display. This measure will ensure that security staff will offer visible presence and reassurance both inside and outside of the premises as well as show up clearly on CCTV.

Current Condition 16: There can be no entry or re-entry to the premises after 01:00 Monday to Sunday. *To now read:* There can be no entry or re-entry to the premises after 00:00 (Midnight) Monday to Sunday.

Current Condition 36: With effect from 31 January 2011, any door supervisors employed must be from an SIA approved contractor scheme. *To read:* All door supervisors employed must be from an SIA approved contractor.

Additional Conditions;

Upon entry to the premises every customer must be hand searched. These searches shall include the searching of the customers' person, wallets and purses, bags and any other items carried on or by the customer. To support this policy, hand held

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Metal detecting search wands shall be used. All searches are to be carried out by door staff and must be carried out within an area covered by the premises CCTV system.

Search procedures shall ensure that all reasonable steps are taken to avoid weapons and illegal drugs from entering the premises. Any customer who refuses to be searched must be refused entry. The premises are to permanently exclude any person found with a weapon or illegal drugs at the premises as well as customers known to have contributed to crime or serious disorder.

A drugs/weapons safe and log system shall be employed at the premises to account for the seizure of drugs from customers. The premises management will liaise with Police quarterly for the collection of the seized drugs and weapons.

A Club ID Scan or a suitable equivalent shall be fitted and utilised as a condition of entry for ALL customers. Patrons have to provide photographic identification as an entry condition; the documentation is then scanned and held on the clubs system. This will assist management in knowing exactly how many people are on site at any one time and has been proven to cut down incidents of crime & disorder as patrons know that the club has their personal details should anything untoward occur.

The Metropolitan Police risk assessment form 696 shall be completed and forwarded to the current email address on the form every January and July listing all resident DJs and at all times there is a change to the resident DJs, including when outside promoters are utilised. At least 10 working days notice must be given before any such changes take place.

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