

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 26 FEBRUARY 2014**

COUNCILLORS

PRESENT George Savva MBE, Christine Hamilton (Cabinet Member for Community Wellbeing and Public Health) and Dogan Delman

ABSENT

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Jane Creer (Democratic Services)

Also Attending: 1 legal representatives for the Licensing Authority
2 representatives for Palms of Enfield
3 observers

791

WELCOME AND APOLOGIES

The Chairman for this meeting, Councillor George Savva, welcomed all those present, introduced the Members, and explained the order of the meeting.

792

DECLARATION OF INTERESTS

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

793

**PALMS OF ENFIELD, 467 GREEN LANES, PALMERS GREEN, N13
(REPORT NO.214)**

RECEIVED application made by Palms of Enfield for the club premises known as and situated at Palms of Enfield, 467 Green Lanes, Palmers Green, N13 for a new Club Premises Certificate.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. This was an application by Palms of Enfield for a new Club Premises Certificate.
 - b. The premises was not currently authorised to provide any licensable activities under the Licensing Act 2003.

LICENSING SUB-COMMITTEE - 26.2.2014

- c. The application was subject to representations from the Licensing Authority and the Metropolitan Police.
 - d. Subsequent to publication of the agenda there was nothing further to report.
2. The opening statement of Mr Menzies, legal representative on behalf of the Licensing Authority, including the following points:
- a. He was speaking on behalf of Trading Standards Service, who opposed the application in its entirety, on grounds of prevention of crime and disorder, and secondly the grounds of prevention of public nuisance.
 - b. The Licensing Authority had substantial concerns about links between the proposed undertaking and the previous undertaking, Big Bluff, which operated at the same premises and which was subject to ongoing prosecution proceedings in relation to offences under the Licensing Act 2003, Gambling Act 2005 and Proceeds of Crime Act.
 - c. The Licensing Authority had concerns that there were links as follows:
 - (i) The Director of Palms of Enfield, Mr Christakis Nicholson, was a card room manager at the previous Big Bluff club.
 - (ii) Mr Ahmet Melin was a defendant in the ongoing criminal proceedings in respect of the Big Bluff club and also had a connection with the present undertaking. The document included on page 61 of the agenda pack showed the assignment of the lease of the premises between parties, from Mr Melin as tenant to Palms of Enfield Limited, with Mr Melin as guarantor. The Licensing Authority had concerns about this and why Mr Melin was still acting as guarantor. There was still a close connection between the old and new undertaking.
 - (iii) Mr Andy Moyssi previously worked at Big Bluff club as a card room manager. When Police attended the premises on 14/9/13 Mr Moyssi was present and explained that he was keeping the place "ticking over". When representatives of Trading Standards attended in October, Mr Moyssi was also present at the premises.
 - d. There were therefore close links between the personalities involved in the undertakings.
 - e. There was no suggestion that a club was operating in any meaningful capacity at present. Police saw only eight people present at the September visit and Council officers reported few people present in October. Without the ability to allow poker to be played there was little happening at the premises. It was therefore difficult to accept what the application stated in respect of poker.
 - f. A response from the applicant's solicitor in respect of proposed conditions was highlighted on page 40. The proposed Condition 16 that 'Poker shall not be advertised at the premises or take place at the premises at any time' was not agreed as it was considered "onerous and based entirely on the previous owner's reputation" and poker was "not intended to form a large part of the club's activities". If this was the case, there would surely be no problem with the proposed condition.
 - g. Page 48 set out the resolution of the objects of the club, dated 9/7/13, which included services, events and games such as snooker, pool, darts,

LICENSING SUB-COMMITTEE - 26.2.2014

shooting club, fishing club, a variety of card games, a variety of board games, golf society, charitable events, red letter days, concierge service, reading club, members function days/evenings. The suggestion was that poker was just one of many aspects of what the club provided. This was difficult to accept. The physical layout of the premises was designed for poker eg. there were more tables for poker than for snooker.

h. The premises plan showed four oval tables on the left hand side. The Licensing Authority understood that area was a poker room and that there were 33 security cameras on the premises. This number of cameras was not required just for ordinary security, but rather surveillance and online streaming of the poker tables and poker playing. It was difficult to accept that poker was not the principal purpose of the undertaking.

i. The club's financial arrangements were a cause for concern. There was no membership fee. It was questioned how the undertaking was going to pay for itself.

j. There was concern that the application form stated that the club secretary was Mr Enzo Gomez. Page 45 set out a resolution dated 23/9/13 which suggested that his position as secretary was terminated. A check with Companies House yesterday showed that Mr Gomez was still listed as secretary. There was no suggestion of a filing of a name change or officer change. The printed web page was available to view. There was concern that Mr Gomez had clear links to poker activity. On page 33 a print out of a Google search for 'ENZO GOMEZ POKER' was obtained by Licensing Enforcement Officers. Links were apparent to the previous operation and Hendon Mob Poker group.

k. These circumstances, the Licensing Authority suggested, gave rise to the clear inference that the principal purpose of the undertaking was poker. There were very strict limits to stakes which could be played, which did not work in terms of the club's financial viability. There were concerns that the limits would be exceeded and the undertaking would be an illegal operation as it appeared to have been before.

l. The application should be rejected on the grounds of prevention of crime and disorder. It was also questioned whether this was a club established in good faith – one of the conditions which must be satisfied as a qualifying club under the Licensing Act 2003.

m. The Licensing Authority looked at background arrangements eg. financial arrangements. Nothing rebutted the inference arising in respect of the previous undertaking and what was proposed now. If the financial framework had been clear, that would weigh heavily in favour of the application, but it was not. There was also conflicting information around the club bank account and who controlled it. Details of the account and two signatories had been provided on page 39, but in a recent email on page 80 it was stated "the account is not yet opened so there is no paperwork yet". This again gave the Authority no confidence that this was a club established in good faith.

n. As with Big Bluff, as far as the accounts of the business were concerned, there were more questions than answers raised. The Licensing Authority had therefore proposed conditions as shown on pages

LICENSING SUB-COMMITTEE - 26.2.2014

34 to 36. Proposed Condition 20 was that monthly accounts should be submitted to the Licensing Authority detailing all income and expenditure. The applicant's response was that this was "unduly onerous" and it would "take time and cost money to prepare accounts so frequently". However, the club's constitution para 10 stated that the committee officers may at any time require the Treasurer to report at committee meetings the details of all expenditure and the current balance of the club's account. So on one hand there was purported transparency, yet that did not seem to be offered to the Licensing Authority, which was of grave concern.

o. A list of members had been provided. The schedule of 28 members and their addresses was set out on page 50. Investigations by Licensing Enforcement officers showed that none of the addresses were in the same N13 postcode as the club. It was understood that nine of the names were members of the previous Big Bluff club. Again this suggested close connection between the undertakings. It was also noted that many of the postcodes were not in the borough. It was therefore difficult to accept that what was proposed was a drop-in club, or to reconcile the stated aims with the list of members, many of whom would need to travel a considerable distance to the club. The Licensing Authority would suggest that people would consider it worth travelling so far for poker.

p. The company arrangements were a cause for concern. There were two companies both directed by Mr Nicholson: 'Palms of Enfield Limited' and 'Palms of Enfield Disolved Limited' and both were active as of this morning. Palms of Enfield was a private company limited by guarantee, as expected for a non-profit organisation. The other company was not. There was concern whose accounts would be provided and why two companies were running at the same time.

q. Of all the circumstances that the Licensing Authority were asking the sub-committee to consider, the clear strong inference that what went on before was being carried on by this application was the primary concern. Nothing in their investigations suggested that this was not the case.

r. Representation was made on the prevention of crime and disorder and prevent of public nuisance licensing objectives. It was highlighted that there was a nursing home nearby. Noise from those standing outside smoking when the previous club was in operation was a source of complaint. There would also be a detrimental impact on the surrounding area if illegal gambling took place at the premises.

s. There was a technical question as to whether the club satisfied all of the conditions for being a qualifying club for a Club Premises Certificate, particularly whether it was set up in good faith. The Licensing Authority would suggest it was not.

3. Mr Menzies, legal representative on behalf of the Licensing Authority, responded to questions as follows:

a. In response to the Chairman's queries regarding Mr Moyssi, it was confirmed that in Trading Standards' investigations into Big Bluff club, he was identified as an individual involved in that company, and he was also seen and identified on the premises when they were visited recently. PC

LICENSING SUB-COMMITTEE - 26.2.2014

Fisher advised that when he visited the Big Bluff premises previously Mr Moyssi had introduced himself as being in charge. On his 14th September visit, Mr Moyssi was there again and explained that he was keeping the place ticking over. Hence the connection.

b. In response to the Chairman's question as to what was meant by 'streaming' poker play, it was advised that it was understood that Mr Nicholson as part of his role had been involved in using technology so people could remotely watch the poker. It was not suggested that anyone was taking part online, but were simply watching.

c. In response to the Chairman's question regarding evidence regarding Mr Melin's responsibility for paying the business rates, it was advised that information provided on page 29 was out of date. It was understood that Mr Melin was no longer responsible for business rates and was not being pursued. Palms of Enfield were responsible for paying the business rates for the club.

4. The opening statement of PC Martyn Fisher, on behalf of the Metropolitan Police, including the following points:
 - a. The Police objected for the same reasons as the Licensing Authority and made representation on the grounds of prevention of crime and disorder and the prevention of public nuisance.
 - b. Nothing substantial had changed in this application from the previous undertaking of Big Bluff club. It was felt that this club had been set up to be run again as a poker club and not as a social club.
 - c. The Police objected to the application in its entirety.
5. PC Fisher responded to questions as follows:
 - a. The Chairman asked about any history of incidents outside or in the premises. PC Fisher advised that he had worked as a Safer Neighbourhood officer for the ward and had been aware that the owner of the nursing home next door to the premises had constantly complained about members standing outside the club and in the driveway making noise, and smoking drugs, and parking in the drive of the home. There had been public nuisance and sleep disturbance, particularly at weekends.
6. The opening statement of Mr Mason, legal representative for the applicant, including the following points:
 - a. He noted the attacks on the application from all angles, and the primary concern that the club would be run as a poker club in the same way as before, and the objections regarding noise and nuisance.
 - b. There were no specific details of complaints about the premises and no dates provided, so it was not clear if the complaints were relevant or if they related to a one off event, etc. There was not enough information to suggest that a new club would cause any nuisance.
 - c. There were numerous other licensed venues in the area, including Vadi Restaurant, Alfred Herring Inn, The Fox, Live Rooms and more, which may give rise to noise and nuisance and be a source of complaints.

LICENSING SUB-COMMITTEE - 26.2.2014

There had not been enough detail on complaints and whether they had been formally reported. Hearsay was not good enough to be put forward as an official objection.

d. This application provided for smoking areas and there would be no need for members to go onto the street to smoke. Smoking would be in designated outside areas and numbers of people using them at any one time would be limited.

e. Palms of Enfield was a separate entity to the Big Bluff club. Its constitution was different and the club would be run very strictly. The club would require photo ID from members. It would be open to over 18's only. Visits from the Licensing Authority or the Police would be welcome at any time. There would be 33 CCTV cameras. Mr Nicholson agreed to run the club in a very transparent way and it would be fair to give him the opportunity to do this.

f. There were two incorporated associations. His instructions were that the solicitor incorporating to create the company created the first company in error. There were different ways to incorporate a company and it was understood that the dissolved one was incorrect, was not trading and should not be there. It would be very stupid to suggest it was set up to hide profits. There was no concrete evidence to suggest that Mr Nicholson would put profits elsewhere. No charges had been found against the previous owners. It would be unfair to infer guilt while there had been no proper findings.

g. Each time officers had visited in recent months there had been boys playing snooker at the premises, suggesting this was a social club and for the benefit of the community. At the time of the Police visit on 14/9/13 there was alcohol behind the bar, but the cash register was switched off and no-one was drinking alcohol. There was no other suggestion that a club was running other than in this limited capacity.

h. Not granting a licence to Mr Nicholson would mean that the club would be limited as it would not be able to provide alcohol to members and that would limit the number of people who would want to join. If alcohol was sold there would be an increase in the number of members.

i. There was no suggestion that any of the names in the list of members provided were fictitious. The credibility of those members was not questioned. They were genuine.

j. Palms of Enfield would be a unique offering in the area, providing sporting activities and a competitive environment. It would not be a regular pub and it would benefit the community. Mr Nicholson had agreed to the condition to publish weekly events and upcoming activities.

k. Mr Nicholson did work for the previous undertaking of Big Bluff club, but that should not be regarded as unusual. It was only natural for someone with experience in a field and links to a premises to become involved in a future enterprise as a natural progression.

l. There was no suggestion that all members of Big Bluff were taking part in illegal poker.

m. A lot of points put forward in objection were not properly made out. For example, from the plan of the premises there had been an automatic

LICENSING SUB-COMMITTEE - 26.2.2014

inference that tables would be used for poker: this was a giant leap which was completely unjustified.

n. Mr Enzo Gomez was known as a professional poker player and was at one stage listed as secretary, but this did not mean that the new club was going to take part in illegal activities. It would be silly for the club to do so.

o. Mr Nicholson was aware that if he was granted a certificate it would be subject to conditions, including conditions requested by the Licensing Authority and the Police. He had agreed to comply with the majority of the proposed conditions. He understood that if anything prohibited occurred he would have no chance of continuing.

p. Mr Melin had no involvement in the club, nor would he be permitted to enter as a guest or as a member. He was not currently involved.

q. There were a minority of proposed conditions which were not agreed.

r. It had been proposed that the club should shut by 00:00 with everyone off the premises by 00:30. Mr Nicholson was of the view that this was unfair, considering that other licensed premises in the area were allowed to open for a lot longer hours. Opening until 03:00 was asked for. It was advised that Mr Nicholson would rather have the club running with an alcohol licence than not running at all, and asked that if the sub-committee was not minded to grant opening to 03:00, that 00:30 would be accepted, if there was an alcohol licence. Without an alcohol licence, the future of the club would be untenable. Very few people would want to go to this type of venue without alcohol.

s. The proposed conditions in respect of door supervisors were considered too onerous and disproportionate to the premises running as a social club. Other local licensed venues only had security at weekends. However, if the sub-committee was minded to impose them the conditions would be accepted. Mr Nicholson was more concerned to obtain some sort of licence rather than a blanket refusal.

t. Officers did not want any poker to be advertised or take place at the premises at any time. It was felt this was a sole judgement on the previous owners. Mr Nicholson should be given the opportunity to run this club. Mr Nicholson had agreed to maintain records of dates of games, stakes, prizes, etc. so that the Licensing Authority could check at any time that the club was operating properly. Palms of Enfield was not going to be run as an exclusive poker club. Mr Nicholson did want to offer poker to members. It was accepted that Big Bluff club had been predominantly concerned with poker. Mr Nicholson wanted to get away from that. This would be a true social club with other sports and activities offered, for the benefit of the community. If the sub-committee were minded to seek to restrict the poker element, at least granting an alcohol licence would allow Mr Nicholson to progress in the interim with the social club and to perhaps come back in the future with a request to include poker. At the social club it would be only fair to offer members the ability to play poker, and it would be heavily regulated by conditions.

u. The proposed condition in respect of monthly accounts would be extremely onerous for a private members club. The Licensing Authority or Police could come at any time to look around, but submission of yearly

LICENSING SUB-COMMITTEE - 26.2.2014

accounts was considered more appropriate. If the sub-committee felt there should be a shorter timescale, Mr Nicholson would be happy to comply to submit six-monthly accounts.

v. In respect of the company arrangements, the club secretary had been changed from Enzo Gomez recently, and the change had been filed with Companies House, but their web page may not have been updated yet. He confirmed that the dissolved company should not have been active. Mr Nicholson understood it had been dissolved. Companies House had maybe not yet updated their information.

w. Mr Nicholson was agreeing to comply with very strict conditions. It was clear that he wanted to run the club for the benefit of its members. It would be only fair for Mr Nicholson to be given the authority to run the club. With the Licensing Authority able to inspect the club at any time, Mr Nicholson knew that if there was any problem the licence would be withdrawn. The conditions and restrictions put in place should overcome all possible concerns. Mr Nicholson had shown his intent to run the club honestly and above board and the sub-committee should be satisfied it would be run it that way, in line with the Council's licensing policy, with appropriate safeguards in place.

7. Mr Mason and Mr Nicholson responded to questions as follows:
 - a. Councillor Hamilton commented that she could not see evidence of how the club was going to be financed and asked for further information. It was advised that, though not specifically spelled out in the constitution, it was self-explanatory that this was a members club run for the benefit of its members, who would be charged to use pool tables, etc. Alcohol sales would generate an obvious profit and food sales would also generate income. The club would be managed in a way in which it paid for itself.
 - b. Councillor Hamilton questioned the comparisons made to licensed premises in the vicinity and whether they could be compared like for like. It was stated that the other venues mentioned were still licensed to possibly 02:00 so were comparable when considering the impact on the local area, particularly at times when people would be leaving. It could be argued that a members club with more focussed gaming would attract a more sensible, older, professional clientele and less likely to be rowdy.
 - c. Councillor Hamilton asked why providing monthly accounts would be onerous, as she considered that would be reasonable to a properly run organisation. It was advised that if the sub-committee wanted Mr Nicholson to comply with that condition he would agree, but did feel aggrieved that the club was treated differently from other venues. It would take more time to prepare the accounts to the necessary standard. This was not a club run for profit.
 - d. Councillor Delman asked for an indication of the likely costs which the club was going to incur and how it would be financed, given that it had only 28 members at the moment. It was advised that the lease was £5,000 every 3 months. SIA registered door supervisors cost around £12 per hour each. The running costs were estimated around £70,000 per year.

LICENSING SUB-COMMITTEE - 26.2.2014

e. Councillor Delman highlighted that the previous lessee Mr Melin had assigned the lease but remained as guarantor, and asked how he could be considered not to be still taking a significant part in the club. It was advised that it was common for former tenants to continue in their guarantee obligations when they left a lease, and landlords commonly insisted on them remaining as guarantor. In this case Mr Melin still had three and a half years on the lease and the landlord would not let him walk away with no obligation. It was confirmed that this would not give Mr Melin any right to contribute in the club, and it would be a condition that he would have no involvement or be permitted to enter the club. Mr Melin's interest in the club would only crystallise in the event of concern that Mr Nicholson would not meet obligations under the lease, and there was no suggestion of that. Mr Nicholson was paying the lease at the moment, he was not in arrears and there was no suggestion that Mr Nicholson did not have sufficient funds for the lease.

f. In terms of defining a private members club, and the details given of the main purpose and objectives and activities on page 38, Councillor Delman noted that some activities would require skilled input to provide and asked for details of who would organise them. It was advised that the activities listed were speculative things Mr Nicholson wanted to do. It was premature to suggest that people and costs had been identified at this stage. These were proposed games and activities for the benefit of members. Mr Nicholson used to be a professional snooker player. He was looking into the shooting club and knew someone appropriate to assist its organisation. Mr Nicholson had put thought into possible future events and these were his intentions and aims. Possibly not every activity listed would be fulfilled in the next five years, but this was the genuine way he wished to progress the club. Fishing activities were not difficult to arrange. Taking account of the current membership of 28, there were no detailed plans as yet, but there had been conversations and thoughts, which was all that could be expected at this early inception stage of the club.

g. In response to Councillor Savva's queries regarding the 14/9/13 visit by Police to the premises, it was confirmed that the cash register at the bar was switched off, indicating the alcoholic beverages were not being served. Eight people were present, none of whom had an alcoholic beverage.

h. In response to Councillor Savva's queries regarding the request to allow poker to be played, it was clarified that allegations in respect of the previous undertaking related to stakes higher than permitted levels. Oval tables were shown on the premises plan, but it should not be inferred from that that this would be a poker club.

i. Following the councillors' questions, there was a brief comfort break.

j. Responses were given to a series of questions asked by the Licensing Authority's legal representative:

(i) It was denied that the club had been described as a "gaming venue" and it was unfair to infer that would be its principal purpose. It would be a private members club. It would be a place where games took place and alcohol was sold. It was clear that the club was going to be used for

LICENSING SUB-COMMITTEE - 26.2.2014

games to be played, but should have been more correctly referred to as "the venue".

(ii) It was clarified that there would be a number of tables in the premises, but that it would be wrong to infer that the premises would be used primarily as a poker venue.

(iii) It was acknowledged that the key on the premises plan provided, specifically described a group of four tables as poker tables. It was advised that the number of poker tables was fewer in number than other tables (snooker, American pool, pool and games tables combined). It was maintained there were more cue based tables than poker tables. These tables could also be used for other card games as they were felt covered, but could not be used for food. Mr Nicholson had taken over the premises with all the equipment and he had provided an open and frank disclosure of what was there. To suggest the club was going to be used predominantly as a poker venue could not be supported on evidence.

(iv) It was advised that Mr Gomez had been appointed company secretary as he was willing and able to perform the functions as secretary and knew his obligations under the Companies Act. He was a previous member of the club and was interested in moving things forward under Mr Nicholson's proposals, and showed interest in attending committee meetings. At the time, Mr Nicholson had believed that Mr Gomez was appropriate for the role as secretary. He had later found out that Mr Gomez had been involved in alleged credit card fraud. On finding that out, he asked Mr Gomez to resign his position as secretary, in order to bring Palms of Enfield forward sensibly without any questions with regard to the company secretary. In response to further queries about what part of Mr Gomez's experience had led him to be considered an appropriate person to be company secretary, it was reiterated that this was Mr Nicholson's judgement at the time. It was denied that one of the reasons Mr Gomez was made secretary was because he was a professional poker player. It was maintained that Mr Gomez was appointed purely on his ability to carry out the functions of secretary. That he was a poker professional was not useful at all, had no link, and was of no benefit. A secretary had to perform functions for a members club and Mr Gomez was appointed purely on that basis.

(v) It was clarified that Mr Nicholson had found out through word of mouth that Mr Gomez had served a prison sentence for fraud. He confronted Mr Gomez, who made an admission, and Mr Gomez had not been allowed anything to do with the club since. Mr Nicholson and Mr Gomez were no longer on speaking terms.

(vi) It was acknowledged that the website of Companies House did not show that Mr Gomez had been removed as company secretary, even under 'Recent Filing History' though it was pointed out that the last date listed was 9/7/13. It was advised that if the applicant side had been made aware of this concern previously they could have brought confirmation from solicitors that notice had been submitted to Companies House. The resolutions to be filed at Companies House were included in the agenda

LICENSING SUB-COMMITTEE - 26.2.2014

pack documentation. It was offered that if an adjournment was granted, a telephone call could be made to Companies House for confirmation.

(vii) It was confirmed that there would be three different designated external smoking areas, at the front, rear and side of the premises. The benefit of that was that they could be utilised at different times. One was proposed to be used after 23:00 which was on the opposite side to the nursing home.

(viii) In terms of benefits to the local community, it was advised that the addresses of some members were within the borough, and highlighted that this was a young club in early inception. It was suggested that future members would be from the local community. If granted, this would provide a unique venture. Local restaurants would also benefit from increased trade.

(ix) In respect of the reading club activity listed, it was advised that this was run elsewhere at the moment by one of the members. It was confirmed that a reading club was a club objective, but without the certainty of the certificate it did not take place at the venue at the moment. It took place at another venue, but was a proposed activity. This did not have any bearing on the general intentions of the club.

(x) It was denied that the reason that other activities referred to were speculative was because the primary purpose was the establishment of a poker club. It was maintained that the listed activities had been thought through thoroughly as proposed activities in the future. When asked for evidence, it was advised that they had been thought about by Mr Nicholson and the committee and had been stated in the objectives of the company. This was a private members club not with a view to profit. What may be expected in formal reports would be onerous and would not normally be provided. These were general activities they were proposing to do.

(xi) It was advised that Mr Nicholson was in a position to meet the financial commitments and the obligations of the lease. Matters had been very trying on him as this application had been dragging on for seven months. He was obviously hoping for a licence so that he could further the club.

(xii) It was advised that Palms of Enfield had funds and was in a position to meet business rates obligations. In response to the statement that there were significant arrears, of £5,700, in terms of business rates, and a liability order had been issued at magistrates court on 16/1/14, it was advised that Palms of Enfield and Mr Nicholson did have funds but needed to assess their situation regarding current matters. When asked why the business rates had not been paid when they fell due, it was advised that had not been on the list of priorities. It had been expected that this application would have been heard earlier. Palms of Enfield had funds, but the business rates were not paid because they wanted to assess the result of licensing sub-committee beforehand. Mr Nicholson had seen fit to determine the future of the club via these proceedings first.

(xiii) On further questioning why the rates had "not been on the list of priorities", it was advised that concentration was put on this licensing

LICENSING SUB-COMMITTEE - 26.2.2014

matter as the future of the club was dependent on getting the licence. Looking back, the rates should have been paid duly and on time, but the future of the club was in the air due to the time this licensing decision had taken to be heard until now.

(xiv) It was advised that Mr Nicholson would not up sticks and leave the rates owing if this application was not granted. This was not considered relevant to the sub-committee's decision, but Mr Nicholson said the rates are going to be paid; it was within his obligations under the lease to do so. It happened all the time that people overlooked payments. This licensing application had been the biggest concern for the club.

(xv) In response to the suggestion that a company established in good faith would normally pay its legal dues, it was countered that what was normal was speculative, and that did not always happen in the real world.

(xvi) The applicant was asked if they could give the membership number of one of the club members listed on page 50, or if the member would be aware of their number. It was advised that official membership numbers had not been given out yet. A list of membership numbers had been provided in response to the request for additional information. These were arbitrary proposed numbers. With 28 members only so far there was no need for numbers at this stage and they could all be identified by name. Those were the numbers of the members at the time, given for the benefit of that disclosure. They were provisional membership numbers and members had not been informed of their numbers yet, given the club was in its early stages. The membership numbers had been allocated by Palms' solicitors.

(xvii) When it was asked why Mr Moyssi was at the premises when Police attended on 14/9/13, it was advised that Mr Moyssi was a good friend of Mr Nicholson and had previous experience and was familiar with the venue so was a good candidate for Palms. He could not confirm if Mr Moyssi said the exact words reported regarding keeping the place "ticking over". It was confirmed Mr Moyssi was there to run the club without a licence at present. It was advised that he would still be involved if a licence was granted.

(xviii) The officer account of a visit on 18/10/13 was asked about, and whether it was accepted that it took around five minutes and repeated buzzing at the entrance before the door was answered. It was responded that Mr Nicholson had answered the door. That may have taken a couple of minutes. He may have been at the back of the premises. He did apologise because that was polite when someone had been kept waiting.

(xix) The account of refusal of entry to Police was asked about. It was advised that Mr Nicholson had felt victimised, particularly as eight officers had turned up on the last occasion. The officers had not had permits or permission to enter the premises. Mr Nicholson confirmed that he did refuse to allow entry on request. PC Fisher made a clarification that he had been on his own when he made the visit on 14/9/13.

(xx) In response to a suggestion that 33 CCTV cameras was a very large number for a social club and why so many were needed when 10 would be more than sufficient, it was advised that the cameras were inherited

LICENSING SUB-COMMITTEE - 26.2.2014

from the undertaking that was there before. It was confirmed the cameras were over and above the poker tables as before. It was confirmed that Mr Nicholson did not propose to move anything.

(xxi) When asked if there would be croupiers engaged at the club, it was advised they would, as poker would be played properly if it was allowed.

(xxii) Mr Nicholson advised that if poker was allowed there would be no cash involved at tables and members would have to buy poker chips.

(xxiii) When asked if the club would take a rake, Mr Nicholson stated that it would depend on the game, but if so it would be £3 per person. This was the maximum which could be taken per person.

(xxiv) When asked about objections to having no advertising of poker, and whether external advertising could attract people, it was advised there was not an objection to poker not being advertised. Mr Nicholson advised that the club would be for members only, there would not be guests signing in, and there would be a 48 hour rule.

(xxv) In response to the suggestion that the proposals appeared to be for a serious professional set-up for playing poker, Mr Nicholson advised that poker would be just one proposed activity. If it was requested by his members it would be run properly. Every aspect of the club would be run professionally. He was trying to be honest and open. Police and Licensing Authority officers could walk in any time.

(xxvi) Mr Nicholson advised that the CCTV coverage would not be looked at unless there was an incident. If poker was being played, they would cover every angle. Not just poker, but everything in the club would be run on a professional basis.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Clarification this was not an application for a licence, but by a club for a new Club Premises Certificate.
 - b. A Club Premises Certificate may only be granted to a qualifying club.
 - c. Sections 61, 62 and 64 of the Licensing Act 2003 provided the test against which the Licensing Sub-Committee had to determine whether this was a qualifying club. One of the conditions that must be satisfied is that the club is established and run in good faith.
 - d. The benefits and exemptions of a Club Premises Certificate were highlighted.
 - e. The Licensing Sub-Committee must determine firstly whether this was a qualifying club under the Licensing Act 2003. If it was found not to be, the application must be rejected. If it was found to be a qualifying club, the sub-committee must take steps considered appropriate to promote the licensing objectives.

9. The closing statement of Mr Menzies, legal representative on behalf of the Licensing Authority, including the following points:
 - a. He did not consider this was a qualifying club or that it was established in good faith.

LICENSING SUB-COMMITTEE - 26.2.2014

- b. In any case. There were also concerns about the real risk of crime and disorder.
 - c. In terms of the description of the proposed undertaking, the application gave very little information and when tested with questions about activities such as shooting and reading, these activities seemed to exist rather in the mind of Mr Nicholson. This was not the mark of a club established in good faith.
 - d. The Licensing Authority's concern was that this was a gaming venue with all that implied.
 - e. It had been made clear that if poker was allowed, croupiers would be employed, and would need to be paid. The lease cost had been reported. The business rates had not been paid. He would suggest that the reason for this club set up was for playing poker on a professional basis.
 - f. He suggested that Mr Gomez had been brought on board from the outset for that reason. No clear answer had been given why he was involved and what in his past made him suitable, but that his being a professional poker player had nothing to do with it. This was not credible.
 - g. The physical layout included four oval tables and these were poker tables. This was not an open transparent application.
 - h. Mr Gomez had always been at the heart of this application. Companies House's filing history had not provided evidence of the change of name of the company secretary. A resolution had been produced, but that was just a piece of paper. Mr Gomez's previous criminal history should urge the sub-committee to greater caution. It was intended that he would be involved in this club.
 - i. It was clear that Mr Melin still had a financial interest in the club.
 - j. Mr Moyssi was also still involved.
 - k. Mr Nicholson did not plan to change any of the layout.
 - l. This club wanted to carry on where the previous undertaking left off. It was still the same creature.
 - m. The documents clearly showed the objection to the proposed condition 16 in respect of poker and its advertising. To say there was no objection was not correct. The response on page 40 was highlighted; that it would be "onerous and based entirely on the previous owner's reputation". To suggest that this was a completely new, separate club was unrealistic.
 - n. There had been no convictions at this point, but criminal proceedings were ongoing in respect of the previous undertaking. No one had applied to dismiss. There had been no suggestion that there was not enough evidence to go before a jury. Therefore, this was a relevant consideration as part of the background.
 - o. Mr Nicholson had claimed he had been open and transparent, but this did not stand up to testing, for example on the membership numbers, and in his refusal to allow Police to enter the premises.
10. The closing statement of PC Martyn Fisher, on behalf of the Metropolitan Police, including the following points:

LICENSING SUB-COMMITTEE - 26.2.2014

- a. The Police also objected to this application on the same terms as the Licensing Authority.
 - b. No convincing argument had been made in the oral or written submissions to support the application.
 - c. Everything he had heard suggested that the club would be run to all intents and purposes as a poker club similar to the previous undertaking, beginning with Mr Gomez's involvement in the set-up of the club, to the proposed use of croupiers and poker chips.
 - d. He had no faith in this as a genuine social club whatsoever. Other parts were included in the application to distract from how the venue would operate, which was to all intents and purposes as a casino.
11. The closing statement of Mr Mason, legal representative for the applicant, including the following points:
- a. The sub-committee had to consider all evidence in respect of whether this was a club established in good faith.
 - b. There was not sufficient evidence for rebuttal.
 - c. Although Mr Nicholson used to work for Big Bluff club, it was not uncommon that people took up roles similar to those they had worked in before or at premises where they had previous involvement. It was not surprising that a previous member took on this lease afterwards.
 - d. Mr Nicholson had been simply a card manager at Big Bluff. He now wanted to further a members club at the premises. There was no firm evidence that this was not Mr Nicholson's objective. The previous club was used predominantly for poker, and went beyond legal limits, but that was not enough to suggest this club was not established in good faith.
 - e. He commended Mr Nicholson as director of the new company. He understood he was someone with the capabilities to take over this lease.
 - f. It was acknowledged that Mr Gomez was a professional poker player and was there at the time of Big Bluff club and was recruited as company secretary for Palms of Enfield, and this had been considered right at the time. This did not mean that Palms of Enfield was not a genuine club or not created in good faith. Mr Gomez was no longer company secretary. Mr Nicholson had been frank and honest about Mr Gomez's criminal conviction and the reason he was dismissed.
 - g. At the September visit by Police it was reported there were eight people playing pool. This suggested it was established as a club in good faith. Someone had been employed there to supervise the premises. It was not uncommon for some select employees to be moved over who knew the premises.
 - h. Nine out of the 28 members identified were previous members of Big Bluff, but there were also a lot of new members listed. There had been committee meetings where proposed activities had been put forward as intended objectives. Thought had gone into those proposals. This was a genuine venture. On balance he would ask that it was found the club was established in good faith.

LICENSING SUB-COMMITTEE - 26.2.2014

- i. The conditions proposed were onerous, but the applicant would agree to all conditions and was aware that if any were breached it would mean the end of the club.
- j. Palms of Enfield was aware of its obligations and had funds and had been paying the lease. There was an outstanding tax payment, but that was not an uncommon situation, and was not related to the matter in hand. Mr Nicholson has said this will be paid.
- k. The main objective of Mr Nicholson was to gain a licence to sell alcohol and for a club premises certificate to be granted so the club could run, and could gain new members, and serve its existing members, and further the objectives of the club, and benefit the local community as well.
- l. There was a dispute in respect of the hours. 03:00 was what was contended for. Other pubs in the area were open until 02:00.
- m. Concerns from the neighbouring nursing home had been reported, but there did not seem to have been official complaints or any documentation. It was unfair to infer nuisance from this applicant. It was also proposed to provide three smoking areas and one would be on the opposite side to the nursing home.
- n. Mr Melin would not be allowed to come to the club. He would be guarantor, but would only have an interest if his liability should crystallise.
- o. It was asked that the applicant be given a chance to prove themselves as a genuine club, with the knowledge that Licensing Authority or Police officers could enter at any time. If sub-committee members were minded to impose other conditions they considered necessary to allay concerns, it was asked that they be included on the certificate rather than the application being refused.

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

2. The Licensing Sub-Committee RESOLVED that the application be refused.
3. The Chairman made the following statement:

“Having read all the paperwork supplied by the parties and heard all the oral representations made today, the Licensing Sub-Committee have resolved not to grant the application as we are not satisfied that Palms of Enfield Limited is a qualifying members club in good faith and

LICENSING SUB-COMMITTEE - 26.2.2014

therefore it considers the only appropriate action to promote the licensing objectives is to reject the application.

The reasons for this are:

1. There is no clear financial framework for the basis of this business, demonstrating how they will cover the costs of running the business, especially as there are no membership fees.
2. There is a lack of transparency, as at one point Trading Standards were advised a business account had been opened with joint signatories, which it was later revealed hadn't actually occurred.

The membership numbers advised to Trading Standards turned out to be 'provisional' and 'arbitrary' as the club had not done this yet.

Christakis Nicholson did not or would not answer to the Members' satisfaction why he chose Enzo Gomez to be the club's secretary. He would only say he thought he would be a good secretary.

When Police and Council officers visited the premises they were either kept waiting or refused entry, despite Mr Nicholson's statement that he wanted to be open and frank.

3. The Licensing Sub-Committee was not satisfied the club has any other activities in mind other than poker. When asked to provide details of other activities, Mr Nicholson could only state that he knows someone who could do this. However, when asked about poker, could answer in detail ie. croupiers, betting chips and 'rakes' for the table, plenty of CCTV cameras to watch the players.
4. The Licensing Sub-Committee was also not satisfied about the financial probity of Palms of Enfield who appear to have taken a business decision not to pay their business rates on time despite the fact they are due regardless of whether there is a club premises certificate in place.
5. Lastly, the fact that Mr Ahmet Melin as guarantor has a financial interest in the success or not of the business, leaves the Licensing Sub-Committee unconvinced that this business is truly unconnected to the previous business of Big Bluff run at the premises."