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LICENSING SUB-COMMITTEE

Wednesday, 14 May 2014 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors : Derek Levy (Chair), Yusuf Cicek and Elaine Hayward

AGENDA – PART 1

1. WELCOME AND APOLOGIES

2. DECLARATION OF INTERESTS

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

3. THE SOUTHGATE CLUB, 17 CHASE SIDE, SOUTHGATE, N14 (REPORT NO.250) (Pages 1 - 48)

Application to vary a premises licence.

4. NAZLI FOOD CENTRE, 44 & 44A FORE STREET, EDMONTON, N18 (REPORT NO.251) (Pages 49 - 72)

Application to vary a premises licence.

5. MINUTES OF PREVIOUS MEETINGS HELD ON 26 FEBRUARY AND 19 MARCH 2014 (Pages 73 - 96)

To receive and agree the minutes of the meetings held on Wednesday 26 February 2014 and Wednesday 19 March 2014.

6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).

(There is no part 2 agenda)

MUNICIPAL YEAR 2014/15 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
14 May 2014

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application to vary a premises licence</p> <p>PREMISES : The Southgate Club 17 Chase Side, Southgate N14</p> <p>WARD : Southgate</p>	

1 LICENSING HISTORY & CURRENT POSITION :

Club Premises Certificate – LN/200600222

- 1.1. On 16 July 2005 an application by The Southgate Club to convert an existing Club Registration Certificate to a Club Premises Certificate, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2. On 19 June 2008 The Southgate Club surrendered the Club Premises Certificate.
- 1.3. **Premises Licence – LN/200700127**
- 1.4. On 24 May 2007 an application by **The Southgate Members Club Limited** for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.5. On 2 July 2013 an application by **The Southgate Members Club Limited** to vary the Designated Premises Supervisor on the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

- 1.6. The current Premises Licence permits :
 - 1.6.1. **Hours the premises are open to the public** : Sunday to Thursday from 11:00 to 23:30, on Friday & Saturday from 11:00 to 01:00 the following day and on Christmas Eve & New Years Eve from 11:00 to 01:30 the following day.
 - 1.6.2. **Supply of alcohol (on supplies only)** : Sunday to Thursday from 11:00 to 23:00, on Friday & Saturday from 11:00 to 00:30 the following day and on Christmas Eve & New Years Eve from 11:00 to 01:00 the following day.
 - 1.6.3. **Indoor sporting events** : Sunday to Thursday from 11:00 to 23:30 and on Friday & Saturday from 11:00 to 01:00 the following day.
 - 1.6.4. **Live music** : Sunday to Thursday from 11:00 to 23:00, on Friday & Saturday from 11:00 to 00:00 and on Christmas Eve & New Years Eve from 11:00 to 00:30 the following day.
 - 1.6.5. **Recorded music** : Sunday to Thursday from 11:00 to 23:30, on Friday & Saturday from 11:00 to 01:00 the following day and on Christmas Eve & New Years Eve from 11:00 to 01:30 the following day.
 - 1.6.6. **Facilities for making music & Facilities for dancing** : On 1 October 2012 the Live Music Act 2012 amended the Licensing Act 2003 and these activities ceased to be licensable activities.
 - 1.6.7. **Late night refreshment** : Sunday to Thursday none and on Friday & Saturday from 23:00 to 00:30 the following day.
- 1.7. A copy of a location map of the premises is attached as Annex 01.
- 1.8. A copy of the current Premises Licence is attached as Annex 02.

2 **THIS APPLICATION :**

- 2.1 Application is made by **The Southgate Members Club Limited** to vary the Premises Licence. The application seeks :
- 2.1.1 **Hours the premises are open to the public** : Sunday & Monday from 06:00 to 23:30, on Tuesday & Wednesday from 06:00 to 00:00, on Thursday from 06:00 to 01:00 the following day and on Friday & Saturday from 06:00 to 02:00 the following day.
- 2.1.2 **Supply of alcohol (on supplies only)** : Sunday no change, on Monday to Wednesday from 11:00 to 23:30, on Thursday from 11:00 to 00:30 the following day and on Friday & Saturday from 11:00 to 01:30 the following day.
- 2.1.3 **Plays** : Sunday from 11:00 to 23:00, on Monday to Thursday from 11:00 to 23:30 and on Friday & Saturday from 11:00 to 01:30 the day following.
- 2.1.4 **Films** : Sunday from 11:00 to 23:00, on Monday to Wednesday from 11:00 to 23:30, on Thursday from 11:00 to 00:30 the day following and on Friday & Saturday from 11:00 to 01:30 the day following.
- 2.1.5 **Indoor sporting events** : Sunday from 11:00 to 23:00, on Monday to Wednesday no change, on Thursday from 11:00 to 00:30 the following day and on Friday & Saturday from 11:00 to 01:30 the following day.
- 2.1.6 **Live music** : Sunday no change, on Monday to Wednesday from 11:00 to 23:30, on Thursday from 11:00 to 00:30 the following day and on Friday & Saturday from 11:00 to 01:30 the following day.
- 2.1.7 **Recorded music** : Sunday from 11:00 to 23:00, on Monday to Wednesday no change, on Thursday from 11:00 to 00:30 the following day and on Friday & Saturday from 11:00 to 01:30 the following day.
- 2.1.8 **Performance of dance** : Sunday from 11:00 to 23:00, Monday to Wednesday from 11:00 to 23:30, on Thursday from 11:00 to 00:30 the following day and on Friday & Saturday from 11:00 to 01:30 the following day.
- 2.1.9 **Facilities for making music & Facilities for dancing** : On 1 October 2012 the Live Music Act 2012 amended the Licensing Act 2003 and these activities ceased to be licensable activities.
- 2.1.10 **Late night refreshment** : no change.
- 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 03.

3 **RELEVANT REPRESENTATIONS :**

3.1 **Metropolitan Police** : Representation is made on the grounds of the prevention of crime & disorder and the prevention of public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the variation that are within the core hours to be granted and for the parts of the variation that are outside the core hours to be refused.

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

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 public nuisance and the protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the variation that are within the core hours to be granted and for the parts of the variation that are outside the core hours to be refused.

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

4 **RESPONSE TO THE REPRESENTATIONS :**

4.1 On 13 April 2014 **The Southgate Members Club Limited** complied with the Council's request to provide a statement "to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

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

5 **PROPOSED LICENCE CONDITIONS :**

5.1 The conditions arising from this application and representations 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)].

Cumulative Impact Policy :

- 6.5 The applicant premises/club premises is located in the Southgate Cumulative Impact Policy Area [Pol s.9.21/22].
- 6.6 The application is for a full variation of a premises licence [Pol s.9.21/22].
- 6.7 The application is subject to a relevant representation [Pol s.9.21/22].
- 6.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.21/22].
- 6.9 The Core Hours for this application are :
 - 6.9.1 Sale/supply of alcohol (on supplies only) : Monday to Sunday Indoors and/or outdoors 10:00 to 23:00 [Pol s.9.23.1].
 - 6.9.2 Live music, Recorded music and/or Performance of dance : Monday to Sunday Indoors and/or outdoors 09:00 to 23:00 [Pol s.9.23.5].
 - 6.9.3 Plays, Films and/or Indoor sporting events : Monday to Sunday Indoors only 09:00 to 24:00 [Pol s.9.23.6].
 - 6.9.4 Late night refreshment : Monday to Sunday Indoors only 23:00 to 24:00 [Pol s.9.23.7].

- | |
|--|
| <p>6.10 The Council's policy is that this application (which is <u>outside</u> the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.22].</p> |
|--|

6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.36].

Hours :

- 6.12 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].
- 6.13 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].

Conditions :

- 6.14 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].
- 6.15 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].
- 6.16 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 :

- 6.17 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].
- 6.18 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:
 - 6.18.1 the steps that are appropriate to promote the licensing objectives;
 - 6.18.2 the representations (including supporting information) presented by all the parties;
 - 6.18.3 the guidance; and
 - 6.18.4 its own statement of licensing policy [Guid 9.34].
- 6.19 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 :
 - 6.19.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.19.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.19.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.19.4 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



The Southgate Club, 17 Chase Side, LONDON, N14 5BP

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



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 Date: 23/04/14



Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/200700127

Part 1 – Premises Details

Postal address of premises :

Premises name : The Southgate Club

Telephone number : 020 8886 5976

Address : 17 Chase Side LONDON N14 5BP

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

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

(1) **Open to the Public - Whole Premises**

Sunday :	11:00 - 23:30
Monday :	11:00 - 23:30
Tuesday :	11:00 - 23:30
Wednesday :	11:00 - 23:30
Thursday :	11:00 - 23:30
Friday :	11:00 - 01:00
Saturday :	11:00 - 01:00
Christmas Eve :	11:00 - 01:30
New Years Eve :	11:00 - 01:30

(2) **Supply of Alcohol - On Supplies**

Sunday :	11:00 - 23:00
Monday :	11:00 - 23:00
Tuesday :	11:00 - 23:00
Wednesday :	11:00 - 23:00
Thursday :	11:00 - 23:00
Friday :	11:00 - 00:30
Saturday :	11:00 - 00:30
Christmas Eve :	11:00 - 01:00
New Years Eve :	11:00 - 01:00

(3) **Indoor Sporting Events - Indoors**

Sunday :	11:00 - 23:30
Monday :	11:00 - 23:30

Tuesday :	11:00 - 23:30
Wednesday :	11:00 - 23:30
Thursday :	11:00 - 23:30
Friday :	11:00 - 01:00
Saturday :	11:00 - 01:00

(4) Live Music - Indoors

Sunday :	11:00 - 23:00
Monday :	11:00 - 23:00
Tuesday :	11:00 - 23:00
Wednesday :	11:00 - 23:00
Thursday :	11:00 - 23:00
Friday :	11:00 - 00:00
Saturday :	11:00 - 00:00
Christmas Eve :	11:00 - 00:30
New Years Eve :	11:00 - 00:30

(5) Recorded Music - Indoors

Sunday :	11:00 - 23:30
Monday :	11:00 - 23:30
Tuesday :	11:00 - 23:30
Wednesday :	11:00 - 23:30
Thursday :	11:00 - 23:30
Friday :	11:00 - 01:00
Saturday :	11:00 - 01:00
Christmas Eve :	11:00 - 01:30
New Years Eve :	11:00 - 01:30

(6) Facilities for Making Music - Indoors

Sunday :	11:00 - 23:00
Monday :	11:00 - 23:00
Tuesday :	11:00 - 23:00
Wednesday :	11:00 - 23:00
Thursday :	11:00 - 23:00
Friday :	11:00 - 00:00
Saturday :	11:00 - 00:00

(7) Facilities for Dancing - Indoors

Sunday :	11:00 - 23:30
Monday :	11:00 - 23:30
Tuesday :	11:00 - 23:30
Wednesday :	11:00 - 23:30
Thursday :	11:00 - 23:30
Friday :	11:00 - 01:00
Saturday :	11:00 - 01:00
Christmas Eve :	11:00 - 01:30
New Years Eve :	11:00 - 01:30

(8) Late Night Refreshment - Indoors

Sunday :

Monday :	-
Tuesday :	-
Wednesday :	-
Thursday :	-
Friday :	23:00 - 00:30
Saturday :	23:00 - 00:30

Part 2

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

Name : The Southgate Club Ltd

Telephone number : 020 8886 5976

e-mail : Not provided

Address : The Southgate Club, 17 Chase Side, LONDON, N14 5BP

Registered number of holder (where applicable) :

00437675

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

Name : Not Applicable

Telephone number :

Address :

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

Name : Ms Samantha Anne Collins

Telephone number : Not provided

e-mail : Not provided

Address : 114 Chase Side, ENFIELD, EN2 0QN

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

Personal Licence Number : LN/201300222

Issuing Authority : London Borough of Enfield

Premises Licence LN/200700127 was first granted on 24 May 2007.

Signed : 

Date : 2nd July 2013

for and on behalf of the

London Borough of Enfield

Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH

Telephone : 020 8379 3578



Annex 1 - Mandatory Conditions

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

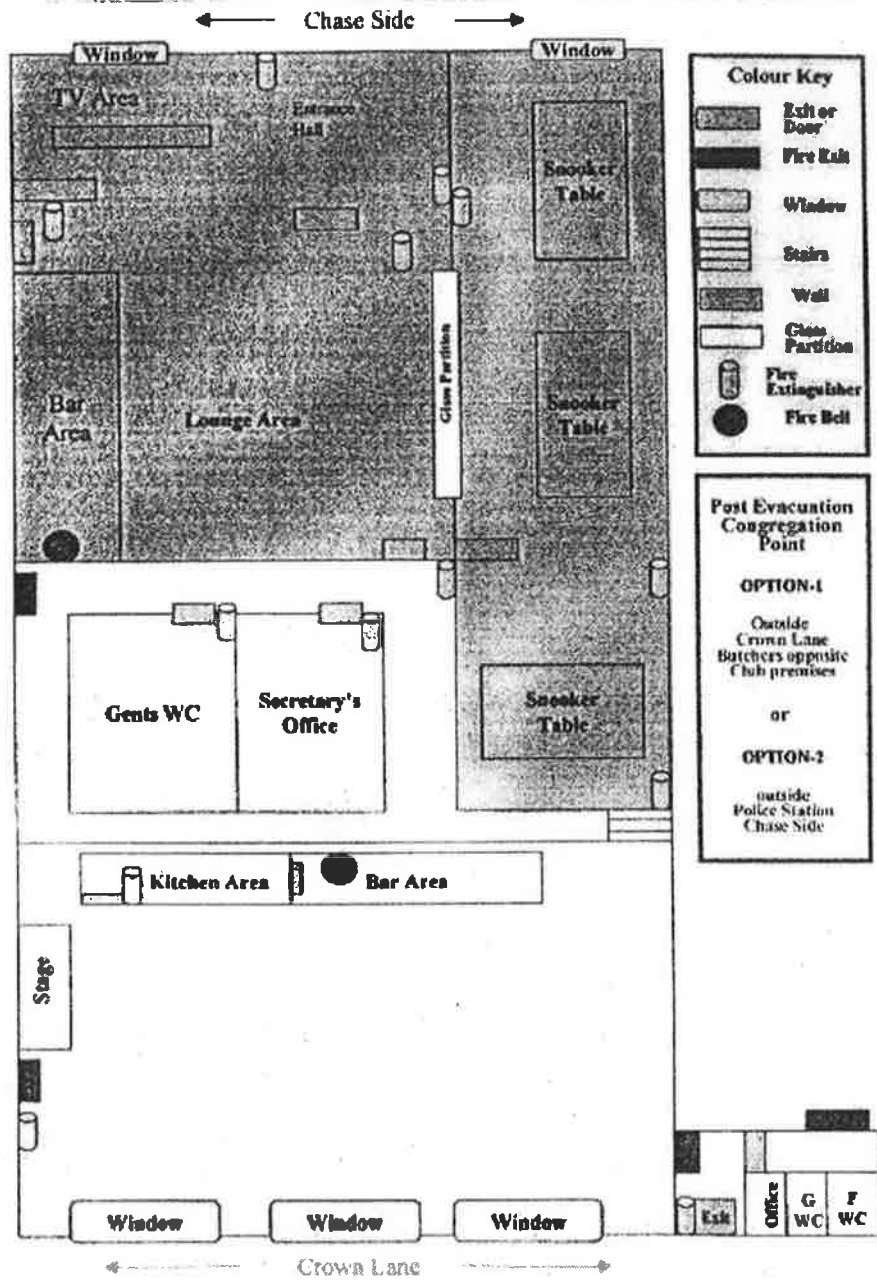
3. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
4. A CCTV system shall be installed, operated and operated at the premises.
5. An alarm system shall be installed, operated and operated at the premises.
6. Performers shall be informed to keep the volume of music to a reasonable level.
7. A notice shall be displayed within the premises requesting patrons to leave quietly.
8. A notice shall be displayed within the premises requesting patrons to not slam their car doors.
9. Children shall not be permitted within the premises until 1 July 2007 and, thereafter, shall be accompanied by a parent.
10. The DPS or a Club Director shall be at the premises in a supervisory capacity at all times during licensable activities.
11. A member of the Club, or a representative of the private hirer of the premises, shall be seated at the rear entrance foyer of the premises during events to prevent unauthorised entry to the premises and to ensure patrons enter and leave the premises quietly.
12. Subjective noise assessments at the noise-sensitive boundaries to the premises shall be made during regulated entertainment at ½-hourly intervals from 23:00 hours, and, where necessary, the volume of amplified music shall be reduced so as to prevent noise nuisance to nearby residents. A log of the noise assessments shall be kept and made available for inspection by Local Authority officers when requested.
13. Children under the age of 18 years of age shall not be permitted in the licensed area, except at events where there is a positive social benefit to their attendance, such as a family birthday party, wedding reception, etc.

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

Not applicable

Annex 4 – Plans

SOUTHGATE CLUB - FIRE INSTRUCTION FLOOR PLAN





WR/213090013

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. *Chpt 190*
 If you are completing this form by hand please write legibly in block capitals. In all cases *07043*
 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

(Insert name(s) of applicant)

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

Premises licence number	00437675
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Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
17 Chase Side Southgate			
Post town	London	Post code	N14 5BP

Telephone number at premises (if any)	0208 886 1617
Non-domestic rateable value of premises	£ 17,250

Part 2 – Applicant details

Daytime contact telephone number	0208 886 1617		
E-mail address (optional)	info@southgateclub.com		
Current postal address if different from premises address			
Post Town		Postcode	





Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)

Proposal to sell early morning Coffee to passing commuters and Members.

Hall Hire and Tribute Nights are going to force us to apply for a TEN for every event. This will be 30 times in the rest of the current year amounting 20 £630.00, and more in future years.

The Southgate Club in conjunction with The Southgate Chamber of Trade & EBRA, are increasingly holding events for the benefit of the Southgate Community.

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

N/A



Part 4 Operating Schedule

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

Provision of regulated entertainment

Please tick yes

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

Provision of entertainment facilities:

- | | |
|--|-------------------------------------|
| i) making music (if ticking yes, fill in box I) | <input checked="" type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

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



Sale by retail of alcohol (if ticking yes, fill in box M)



In all cases complete boxes N, O and P



A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>			
				Outdoors	<input type="checkbox"/>			
				Both	<input type="checkbox"/>			
Day	Start	Finish						
Mon	11:00		<u>Please give further details here</u> (please read guidance note 3) Available for Hire for any Amateur Group who need a venue to perform.					
		23:30						
Tue	11:00							
		23:30						
Wed	11:00		<u>State any seasonal variations for performing plays</u> (please read guidance note 4)					
		23:30	N/A					
Thur	11:00		N/A					
		23:30	N/A					
Fri	11:00		<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 5)					
		01:30						
Sat	11:00					N/A		
		01:30				N/A		
Sun	11:00					N/A		
		23:00				N/A		



B

Films Standard days and timings (please read guidance note 6)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick</u> (please read guidance note 2) Themed film nights, to coincide with seasonal events ie. Halloween, Easter, Christmas etc.	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	11:00		<u>Please give further details here</u> (please read guidance note 3) N/A		
		23:30			
Tue	11:00		N/A		
		23:30			
Wed	11:00		<u>State any seasonal variations for the exhibition of films</u> (please read guidance note 4) N/A		
		23:30			
Thur	11:00		N/A		
		00:30			
Fri	11:00		<u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
		01:30			
Sat	11:00		N/A		
		01:30			
Sun	11:00		N/A		
		23:00			



C

Indoor sporting events Standard days and timings (please read guidance note 6)			<u>Please give further details</u> (please read guidance note 3)
Day	Start	Finish	
Mon	11:00		Annual Snooker, Cribbage, Darts and Chess Tournaments between Club Membership.
		23:30	
Tue	11:00		<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 4)
		23:30	
Wed	11:00		N/A
		23:30	
Thur	11:00		<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 5)
		00:30	
Fri	11:00		N/A
		01:30	
Sat	11:00		N/A
		01:30	
Sun	11:00		N/A
		23:00	



E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	23:30	<u>Please give further details here</u> (please read guidance note 3) Two Tribute Acts performing every Month.	Both	<input type="checkbox"/>
Tue	11:00	23:30			
Wed	11:00	23:30	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4) N/A		
Thur	11:00	00:30			
Fri	11:00	01:30	<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 5) N/A		
Sat	11:00	01:30			
Sun	11:00	23:00			



F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	11:00	23:30	<u>Please give further details here</u> (please read guidance note 3) Before & After Tribute Act, recorded music is played to entertain Customers. Private Hall Hire either own DJ, or recorded music	Both	<input type="checkbox"/>
Tue	11:00	23:30			
Wed	11:00	23:30	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	11:00	00:30	N/A		
Fri	11:00	01:30	<u>Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list</u> (please read guidance note 5)		
Sat	11:00	01:30			
Sun	11:00	23:00	N/A		



G

Performances of dance Standard days and timings (please read guidance note 6)			<u>Will the performance of dance take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors <input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors <input type="checkbox"/>
				Both <input type="checkbox"/>
Mon	11:00		Please give further details here (please read guidance note 3) Dancing Lessons.	
		23:30		
Tue	11:00			
		23:30		
Wed	11:00		State any seasonal variations for the performance of dance (please read guidance note 4) N/A	
		23:30		
Thur	11:00			
		00:30		
Fri	11:00		Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)	
		01:30		
Sat	11:00		N/A	
		01:30		
Sun	11:00			
		23:00		



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"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon			Heating of Food if Required		
Tue					
Wed			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Thur			N/A		
Fri			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	00:30			
Sun			N/A		
	23:00	00:30			



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"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	11:00	23:30	N/A		
Tue	11:00	23:30			
Wed	11:00	23:30			
Thur	11:00	00:30	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	11:00	01:30	N/A		
Sat	11:00	01:30			
Sun	11:00	23:00			

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)

NONE
Access to the premises by children is Restricted



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	06:00		N/A	
		23:30		
Tue	06:00			
		00:00		
Wed	06:00			
		00:00		
Thur	06:00			<u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)
		01:00		
Fri	06:00			N/A
		02:00		
Sat	06:00			
		02:00		
Sun	06:00			
		23:30		

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

N/A



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

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

This is a Private Members Club. Whenever it is occupied, there is always a Senior member of Staff in attendance (Bar Manager or Assistant), and normally at least one Board Director. On Tribute Nights and Private Hall Bookings, again a Senior member of Staff is in attendance and at least 6 Directors.

b) The prevention of crime and disorder

As Above

c) Public safety

As Above

d) The prevention of public nuisance

As Above

e) The protection of children from harm

As Above
Access to the premises by Children is Restricted.



Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Marek Pospieszalski</i> MAREK POSPIESZALSKI
Date	31/01/2014
Capacity	DIRECTOR

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	<i>Sunil Chawla</i> SUNIL CHAWLA
Date	31-1-2014.
Capacity	Director.

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

Sunil Chawla
89 Chase Road
Southgate

Post town	London	Post code	N14 4LA
Telephone number (if any)	07956 237901		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) sunilc69@yahoo.com or info@southgateclub.com			


**METROPOLITAN
POLICE**
Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: **The Southgate Club
17 Chase Side
Southgate
N14 5BP**

Type of Application: **Variation**

Worksheet number: **WK/213090013**

The Application

This is an application to vary a premises licence to extend licensable activity as follows;

Activity	Current Hours	Proposed Hours
Opening	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri – Sat	06:00 – 23:30 Mon 06:00 – 00:00 Tue – Wed 06:00 – 01:00 Thurs 06:00 – 02:00 Fri – Sat 06:00 – 23:30 Sun
Plays	Unlicensed	11:00 – 23:30 Mon – Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Films	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Indoor Sporting Events	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Live Music	11:00 – 23:00 Sun – Thurs 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Recorded Music	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Performance of Dance	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Facilities for Making Music	11:00 – 23:00 Sun – Thurs	11:00 – 23:30 Mon – Wed

	11:00 – 00:00 Fri - Sun	11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Facilities for Dancing	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Alcohol (on)	11:00 – 23:00 Sun – Thurs 11:00 – 00:30 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
LNR	23:00 – 00:30 Fri - Sat	No change

Location

This premise is situated in a busy commercial high street near to Southgate Tube Station. There are residential properties at the rear of the premises.

Police Reports

I have interrogated all Police crime and intelligence indices relating to 'The Southgate Club' over the last twelve months with a negative result.

Nearby Licensed Premises

The New Crown, 80-84 Chase Side, N14 5PH - Supply of alcohol until - 01:00.

The White Hart, 290 Chase Road, N14 6HA - Supply of alcohol until - 23:00

Fishmongers Arms, Winchmore Hill Road, N14 6AD - Supply of alcohol until - 00:00

Maze Inn, 7 Chase Side, N14 5BP- Supply of alcohol until - 03:00

Dillon's, Station Parade, Southgate Circus, N14 5BH - Supply of alcohol until - 23:00

Cumulative Impact Policy

London Borough of Enfield

Licensing Act 2003

Licensing Policy Statement (Fourth Edition 1 April 2012)

- 9.21 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours within the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.
- 9.22 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when

subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.

This premise is within Enfield Boroughs Cumulative Impact Policy area, namely Southgate. Hours sort are outside the limits set out and as such, section 9.22 refers.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

In summary I wish to make representation on the following:

- Prevention of Crime & Disorder
- The prevention of public nuisance

Designated Public Place Order'

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.

The premise is in the Southgate 'Designated Public Place Order' 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 Public Place Order.

As outlined in the Cumulative Impact Policy, this part of Southgate is already is of concern in relation to crime and disorder and public nuisance.

I am of the firm belief that if these premises were to be granted the proposed extra hours over and above those that are currently held, particularly in this location, it would in all likelihood lead to increased incidents of crime & disorder and public nuisance.

As these premises are located very close to residential properties and the hours sought exceed those of the cumulative impact policy, Police therefore object to the hours sought in the application but recommend the hours be amended as follows;

Activity	Current Hours	Applied for Hours	Recommended Hours
Opening	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri – Sat	06:00 – 23:30 Mon 06:00 – 00:00 Tue – Wed 06:00 – 01:00 Thurs 06:00 – 02:00 Fri – Sat 06:00 – 23:30 Sun	No change Sun – Wed 11:00 – 00:00 Thurs No change Fri – Sat
Plays	Unlicensed	11:00 – 23:30 Mon – Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	11:00 – 23:30 Mon – Thurs 11:00 – 00:00 Fri – Sat 11:00 – 23:00 Sun
Films	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri.– Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:00 Thurs - Sat 11:00 – 23:00 Sun

		11:00 – 23:00 Sun	
Indoor Sporting Events	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change Mon – Wed 11:00 – 00:00 Thurs No change Fri – Sat No change Sun
Live Music	11:00 – 23:00 Sun – Thurs 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Recorded Music	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Performance of Dance	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	11:00 – 23:00 Mon – Sun
Facilities for Making Music	11:00 – 23:00 Sun – Thur 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Facilities for Dancing	11:00 – 23:30 Sun – Thur 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Alcohol (on)	11:00 – 23:00 Sun – Thur 11:00 – 00:30 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
LNR	23:00 – 00:30 Fri - Sat	No change	No change

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 an additional condition be attached to the licence, as set out below, to further promote the licensing objectives.

PLEASE SEE ANNEX 07

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 4th March 2014



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: The Southgate Club
 17 Chase Side
 London, N14 5BP

Type of Application: Variation 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 is a variation application to increase the licensed hours as follow:

Activity	Current Hours	Proposed Hours
Opening	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri – Sat	06:00 – 23:30 Mon 06:00 – 00:00 Tue – Wed 06:00 – 01:00 Thurs 06:00 – 02:00 Fri – Sat 06:00 – 23:30 Sun
Plays	Unlicensed	11:00 – 23:30 Mon – Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Films	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Indoor Sporting Events	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Live Music	11:00 – 23:00 Sun – Thurs 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Recorded Music	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Performance of Dance	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun

Facilities for Making Music	11:00 – 23:00 Sun – Thurs 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Facilities for Dancing	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
Alcohol (on)	11:00 – 23:00 Sun – Thurs 11:00 – 00:30 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun
LNR	23:00 – 00:30 Fri - Sat	No change

History:

This premises licence was granted in 2007 and the DPS was varied in July 2013. There is no history of complaints relating to this premise sin the last 12 months.

Planning:

Planning permission TP/10/0226 restricts the opening hours to the following:

Monday to Friday 09:00 to 23:00
Saturday 10:00 to 01:00
Sunday 10:00 to 23:00

and does not allow the use of the flat roof of the extension for recreational purposes.

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.

The Planning Enforcement Team has been advised of this application.

Public Nuisance:

This premises is situated in a mixed commercial and residential area. There are residential properties in Crown Lane and Chase Side in close proximity to this premises. I am concerned that residents could be disturbed by noise from those arriving at and leaving the premises late at night/during the early hours of the morning.

Cumulative Impact Policy (CIP)

This premises is located in one of the Enfield Council's Cumulative Impact Policy Areas, namely Southgate.

The CIP came into force in April 2012 and relates to all new and variation applications and states that the core hours granted for this type of premises in this particular location should not exceed the following:

Sale/supply of alcohol (on and off supplies): Mon – Sun – 10:00 – 23:00

Live music, Recorded music, Performance of dance, Facilities for making music, and /or facilities for Dancing: Mon – Sun – 09:00 – 23:00

Plays, Films and Indoor Sports events: Mon – Sun (indoors only) 09:00 – 24:00

Late night refreshment: Mon – Sun Indoors only 23:00 – 24:00

The hours applied for exceed those of specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

Children – On Licensed Premises

Section 8.6 of Enfield's Licensing Policy states: 'There is a strong presumption that the Council will not license premises to permit person under the age of 18 to be present on the premises after 23:00, where the premises are exclusively or primarily used for the sale and consumption of alcohol on the premises'.

In summary I wish to make representation on the following:

- **Prevention of Public Nuisance**
- **Protection of Children from Harm**

Given the close proximity to residential properties and the fact that the hours applied for exceed those permitted in the CIP I object to the hours applied for and instead recommend that the hours be amended as detailed below:

Activity	Current Hours	Applied for Hours	Recommended Hours
Opening	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri – Sat	06:00 – 23:30 Mon 06:00 – 00:00 Tue – Wed 06:00 – 01:00 Thurs 06:00 – 02:00 Fri – Sat 06:00 – 23:30 Sun	No change Sun – Wed 11:00 – 00:00 Thurs No change Fri – Sat
Plays	Unlicensed	11:00 – 23:30 Mon – Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	11:00 – 23:30 Mon – Thurs 11:00 – 00:00 Fri – Sat 11:00 – 23:00 Sun
Films	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:00 Thurs - Sat 11:00 – 23:00 Sun
Indoor Sporting Events	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change Mon – Wed 11:00 – 00:00 Thurs No change Fri – Sat No change Sun
Live Music	11:00 – 23:00 Sun – Thurs 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Recorded Music	11:00 – 23:30 Sun – Thurs 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change

Performance of Dance	Unlicensed	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	11:00 – 23:00 Mon – Sun
Facilities for Making Music	11:00 – 23:00 Sun – Thur 11:00 – 00:00 Fri - Sun	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Facilities for Dancing	11:00 – 23:30 Sun – Thur 11:00 – 01:00 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
Alcohol (on)	11:00 – 23:00 Sun – Thur 11:00 – 00:30 Fri - Sat	11:00 – 23:30 Mon – Wed 11:00 – 00:30 Thurs 11:00 – 01:30 Fri – Sat 11:00 – 23:00 Sun	No change
LNR	23:00 – 00:30 Fri - Sat	No change	No change

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: 04/03/14

THE SOUTHGATE MEMBERS CLUB LTD

17 Chase Side
 Southgate
 London
 N14 5BP



Fellowship is our Club's greatest asset

Tel No: 0208 886 5976 (Bar)
 0208 886 1617 (Office)
 Web: www.southgateclub.com
 Email: info@southgateclub.com

13th April 2014

Mr Mark Galvayne
 Principal Licensing Officer
 Environment Department
London Borough of Enfield

Dear Mr Galvayne,

Re: Variation of Premises License Ref: WK-213090013

I write in connection with the Licencing Department's response to our application for an extension to our opening hours, and in reply to your emails of 6th March and 3rd April outlining concerns from both the Metropolitan Police, Enfield Council and yourselves as to why our application would be rejected.

It is the intention of this document to respond to these concerns and demonstrate why our application was submitted in good faith and why it should be approved.

It is structured into five sections:

- 1 History of The Southgate Club
- 2 Rationale for our Application
- 3 Review of the Hours Applied for those proposed by the Licensing Authority
- 4 Response to points of concern
- 5 Summary and Conclusion

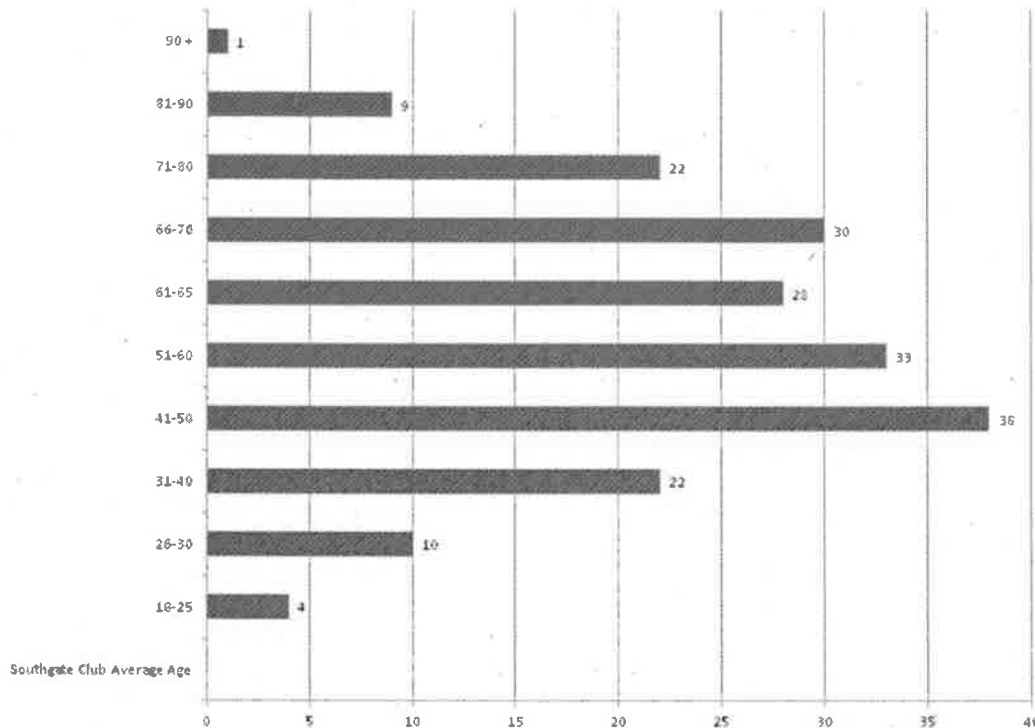
1 History of The Southgate Club

The Southgate Members' Club was first established in 1820 and has the salubrious pedigree of being the oldest social club in the UK. It was originally named the Southgate Reading Room and Library, and books for the library were donated by the Southgate Reading Society, which was established in 1830 and preceded public libraries by some 100 years.

Our Founders ideals were that "The Club should be of service to the community and Southgate with the sole purpose of providing facilities for the benefit of the community of Southgate and 8 miles thereof".

The Club was incorporated as a limited company in June 1947 and the status of the company is a "not for profit" company run by an elected management committee of voluntary Directors. Previous members have included Robert Blagden, Sir Thomas Lipton, (Founder of Lipton Teas), the Reverend James Baird, John Miles and many other famous people from the area.

The Club is not affiliated to any organisation and is owned by the Members, the majority of whom are aged between 40 and 70 years of age (as shown by the chart below) but who are predominantly between 40 and 50 years of age. We have only 4 members who are between 18 and 25.



The Club is in a very prominent position on Chase Side and is within the Southgate Circus Conservation Area. It is listed as being one of the oldest buildings in Southgate and it was the first tea and coffee establishment in the area, serving teas, coffees, soups and food to the passing trade from 1850 right up until the end of WW2 and into the early 1950's.

It is a unique part of Southgate and has a great deal of heritage, of which we are very proud.

2 Rationale for our Application

It is common knowledge that many Pubs and Clubs have suffered over the past 10 years as access to the internet has provided a greater choice of entertainment and social media has become the communication tool for many, particularly those of a younger generation.

The Southgate Club has not stood apart from these changing social trends, and although we are not so dependent on the younger generation for our income we have seen a decrease in our traditional patronage, which, along with an ageing membership base, has caused a gradual erosion in our generated revenue.

Over the past 10 years, the result of this reducing income has been many years of losses, which has resulted in much talk about the changing fortunes of the Club and its' future. Previous Committees have failed to tide this decline in our fortunes, however our existing Committee (of which I am Vice Chairman) has – over the past 24 months - turned losses of some £30,000 per annum into a £20,000+ profit for the last year.

Whilst the Directors are pleased to see this result of our combined efforts, we are equally committed to the continuance of the Club and it's ability to provide a place of fellowship for future generations.

To this end, it is quite clear that we have to consider additional sources of revenue to continue to survive and invest in the future. As a result, quite simply we have to encourage a wider access to the public (so we can demonstrate our values and hospitality) and expand our awareness within the local community.

Prior to explaining how we hope to achieve this, it might first be worthwhile simply to illustrate how the club is physically laid out.

2.1 Milner's Bar

For those who are unaware, The Southgate Club is divided in to two areas; *Milner's Bar* which is principally for Members Only and resides in the old(er) part of the building which has the façade onto Chase Side; and *Obie's Bar*, which is a 'hall extension' to the rear of the main building with access via Crown Lane. Both these Bars are named after earlier Members who donated funds for the development of the Club.

Milner's Bar itself provides facilities for the enjoyment of Members, from the sale of alcohol through to snooker, darts, newspapers and a library etc. It is Licensed as per our existing timings, and is never open before 11am. Guests are permitted as long as a Member accompanies them.

Access to the Club is via a restricted entry on Chase Side, which is pass-card protected with camera surveillance from inside the Club. Entry can also be made via Obie's Bar which has similar security facilities.

2.2 Obie's Bar

Built in 1984, Obie's Bar is an rear extension to the original building and is simply a dance space which has the core purpose of hosting a variety of functions, from Birthday Parties and Anniversaries through to the Club's own entertainment. Traditionally in the 1950s and 60s, entertainment took place every Saturday night in this Bar, and it was open to both Members and the Public alike.

This area has it's own Bar, but this is only open when there is a function taking place.

Access is via Crown Lane, (pass-card and camera protected) and the public can hire this space independently. (At all times during a private hire, a Director is on site as well as a License holder.)

Overall, as may be expected, our principal revenue is generated from alcohol sales and subscriptions, with additional smaller amounts from ancillary services such as guest fees and snooker table lighting etc.

Equally though (over the last 15 months) in Obie's Bar we have hosted "Tribute Night' entertainment, selling tickets to both public and Members alike. These fortnightly events (see www.southgateclub.com for future functions) has resulted in much needed additional revenue but also in a greater awareness of the Club's facilities.

Whilst these functions have helped reverse the financial fortunes of the Club, the Directors wish to develop various additional revenue opportunities – hence the reason for our Application for the Variation of our Licence.

3 Review of the Hours Applied for those proposed by the Licensing Authority

In looking at ways to continue to increase income for the Club the Committee have been considering various options, one of which is that we believe that by re-instating a food offering at the Club this would allow us to widen our offering and consequently increase revenue.

Traditionally, with the Club having a fully-functioning kitchen the Club has often provided Lunches and an Evening food offering – not only in Obie's Bar, but also in Milner's Bar.

Additionally, over the past 12 months the Club has applied for (and been granted) several Temporary Event Notices for late night extensions of our Licence and at the request of private hirers of Obie's. These are not uncommon requests and over many years we have always been granted these TEN notices. (No resultant disorder has been noted or reported as a result of these TENs.)

In summary, our Variation of Premises Licence requested the following:

- 1) Earlier opening at the Chase Side entrance (Milner's Bar entrance only) to provide a 'Take-away Service' – which would focus on commuter trade from 6am – 9pm on Monday to Friday only. (No alcohol will be available at this earlier opening time and until 11am as per our existing Licence – and even then only to Members as it is not the intention to provide open access to the public to this area of the Club.)
- 2) On the basis that that this offering is successful, then we wish to consider opening a 'Period-themed Tea Room' during the hours of 9am – 3pm (Monday to Friday) within the Milner's Bar area. During this time we would offer light snacks, lunches and refreshment with alcohol only being available during licensed hours – i.e. from 11am onwards.
- 3) Lastly, we wish to offer a midday lunch service on Saturday and Sunday from 12 noon to 4pm in Obie's Bar – and with public access available from the Crown Lane entrance only.

Based on these points, we submitted our Variation Application, and your initial email summarised four points for refusal:

1. Representations from the Metropolitan Police
2. Representations from Enfield Council
3. The Council's Cumulative Impact Policy – and its resultant Licensing Policy
4. Representations from the Enfield Council Licensing Authority

You indicated that the Variation applied for **may** be agreed should we meet two conditions, these being:

- i Changes to our operating schedule – as identified on the Metropolitan Police report under their sections 10-19
- ii Agreement to amend the application to reduce the hours sought for 'licensable activities' to be in accordance with the those as shown on the following page, (the details of which have been taken from your email of 9 March 2014.)

In order to summarise the position, shown overleaf is a table of the Hours being discussed. The first column (entitled : YOUR SUMMARY) indicates the Hours as per your email; the second column (shown in Blue and entitled: APPLIED FOR) shows those hours detailed on our Application; and the third column, (in Red and titled Proposed) suggests an alternative proposition that may be amenable to the Licensing Authority.

	YOUR SUMMARY	APPLIED FOR	Proposed*
Hours of opening :			
Sunday	11:00 – 23:30	06.00 – 23.30	07.00 – 23.30
Monday	11:00 – 23:30	06.00 – 23.00	07.00 – 23.30
Tuesday	11:00 – 23:30	06.00 – 00.00	07.00 – 23.30
Wednesday	11:00 – 23:30	06.00 – 00.00	07.00 – 23.30
Thursday	11:00 – 23:30	06.00 – 01.00	07.00 – 00.30
Friday	11:00 – 01:00	06.00 – 02.00	07.00 – 02.00
Saturday	11:00 – 01:00	06.00 – 02.00	07.00 – 02.00
Xmas & New Years Eve's	11:00 – 01:30		07.00 – 02.00
Supply of alcohol :			
Sunday	11:00 – 23:00	11.00 – 23.00	11.00 – 23.00
Monday	11:00 – 23:00	11.00 – 23.30	11.00 – 23.00
Tuesday	11:00 – 23:00	11.00 – 23.30	11.00 – 23.00
Wednesday	11:00 – 23:00	11.00 – 23.30	11.00 – 23.00
Thursday	11:00 – 23:00	11.00 – 00.30	11.00 – 00.00
Friday	11:00 – 00:30	11.00 – 01.30	11.00 – 01.30
Saturday	11:00 – 00:30	11.00 – 01.30	11.00 – 01.30
Xmas & New Year's Eve's	11:00 – 01:00		11.00 – 01.30
Plays :			
Sunday	11:00 – 23:00	11.00 – 23.00	11.00 – 23.00
Monday – Thursday	11:00 – 23:30	11.00 – 23.30	11.00 – 23.30
Friday – Saturday	11:00 – 00:00	11.00 – 01.30	11.00 – 01.00
Films :			
Sunday	11:00 – 23:00	11.00 – 23.00	11.00 – 23.00
Monday – Wednesday	11:00 – 23:30	11.00 – 23.30	11.00 – 23.00
Thursday – Saturday	11:00 – 00:00	11.00 – 01.30	11.00 – 01.00
Indoor Sporting Events :			
Sunday	11:00 – 23:30	11.00 – 23.30	11.00 – 23.30
Monday – Wednesday	11.00 – 23.30	11.00 – 23.30	11.00 – 23.30
Thursday	11.00 – 23.30	11.00 – 23.30	11.00 – 00.30
Friday – Saturday	11:00 – 01:00	11.00 – 01.30	11.00 – 01.30
Live music :			
Sunday	11:00 – 23:00	11.00 – 23.00	11.00 – 23.00
Monday – Wednesday	11.00 – 23.00	11.00 – 23.30	11.00 – 23.30
Thursday	11.00 – 23.00	11.00 – 00.30	11.00 – 00.30
Friday – Saturday	11:00 – 00:00	11.00 – 01.30	11.00 – 01.30
Xmas & New Year's Eves	11:00 – 00:30		11.00 – 01.30
Recorded music :			
Sunday	11:00 – 23:30	11.00 – 23.30	11.00 – 23.00
Monday – Wednesday	11.00 – 23.30	11.00 – 23.30	11.00 – 23.30
Thursday	11.00 – 23.30	11.00 – 00.30	11.00 – 00.30
Friday – Saturday	11:00 – 01:00	11.00 – 01.30	11.00 – 01.30
Xmas & New Year's Eves	11:00 – 01:30		11.00 – 01.30

Performance of dance :

Sunday	Unlicensed	11:00 – 23:00	11.00 – 23.00
Monday – Wednesday	Unlicensed	11.00 – 23.30	11.00 – 23.30
Thursday	Unlicensed	11:00 – 00.30	11.00 – 00.30
Friday	Unlicensed	11:00 – 01.30	11.00 – 01.30
Saturday	Unlicensed	11:00 – 01.30	11.00 – 01.30

Late night refreshment :

Sunday	None	23.00 – 00.30	23.00 – 23.30
Monday - Thursday	None	None	None
Friday	23:00 – 00:30	None	23.00 – 00.30
Saturday	23.00 – 00.30	23:00 – 00:30	23.00 – 00.30

Generally, the hours we have applied for fall into five main areas:

1. We wish to open early for the reasons as previously stated, but have now changed that to 7am as opposed to 6am as indicated on the Application. We cannot see why this request may be rejected as several adjoining businesses already open from 6.30-7.00am – McDonalds and Harris & Hoole to name two; both of whom are in Chase Side. (Alcohol would not be available in any part of the premises until 11am – as per our existing License.)
2. Monday to Wednesday hours are typically as per existing timings.
3. Thursday nights we wish to be able to open later as this seems to be a night when Members (and visiting Teams) come to play Darts and Snooker matches.
4. Fridays are typical Members nights and when Milner's Bar is most populated. Prolonging the social hours on these nights would be of benefit to Members and extend the social occasion.
5. Saturday's are when Obie's Bar is most in use and extending the hours for our entertainment nights would be of benefit to paying guests.

4. Response to Points of Concern

As can be seen, your proposed hours (as denoted in your email) do not meet our request and as such you have indicated that the application will be refused in accordance with the Cumulative Impact Policy unless we can agree to those you have proposed.

In the acknowledgement that our Application will be rejected as we are unable to agree to your points i and ii as itemized, we anticipate that this matter will be referred to a hearing of the Council's Licensing Sub-Committee. Also addressing Section 8.36 of the Statutory Guidance issued by the Secretary of State to the Home Office, which provides that:

"Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."

The Licensing Sub-Committee will refuse the application unless the company can demonstrate, to the satisfaction of the Sub-Committee, that granting the application will not cause any crime, disorder, safety, nuisance or child protection issues.

With these points in mind, the remainder of this document sets out our response to the various points raised for the Sub-Committee's consideration.

4.1 Licensing Restrictions

As a private Members club we have rigorously complied with our current premises licence. On the occasions we have requested a TEN these have been granted and we rigorously enforce these. This would be in line with the recommendations by the Metropolitan Police on this issue.

4.2 CCTV

One of the principal requests from the Metropolitan Police is the installation of CCTV within the premises and the Committee has taken a decision to comply with this request. (Recognised that there are significant financial implications in this request our objective would be to have this installed and operational before 31 December 2014.)

4.3 Children on the Premises

Regarding children on the premises, we have many Directors and staff who hold the Disclosure Barring Service (CRB) certificate and as previously indicated a Director is always present during the Licensable Hours. On private hires of Obie's Bar, our Terms and Conditions clearly state the responsibilities of the Hirer in this regard. Additionally, we equally strive to ensure that alcohol is not served or available to underage children and many signs are already installed around the bar explaining this.

4.4 Other Mandatory Conditions

We comply with other mandatory conditions as stipulated by representations from all third parties already as these are in our current premises license and we enforce these stringently.

4.5 Crime, disorder or safety issues

On many Saturday evenings, we hold 'Tributes Nights' at the club, which are open to members of the public. The majority of events are sold out, and the average attendance is 140 + patrons. On those nights we typically have 5 Directors in attendance and in the last three years we have had over the 9,000 patrons in the Club. If you include private functions this equates to over 16-18,000 patrons over the three years. We are happy to report that there has been no disorderly behaviour of any kind and this is recognised in the Licensing Authority Representation in the 'History' paragraph. We believe this is a credit to the club, it's high standards and training of its bar staff.

4.6 Our request for early morning opening

As previously explained we intend opening the establishment only on the Chase Side entrance and not the Crown Lane entrance, (where there is a greater density of residential dwellings.) We are aware that there are several coffee/food establishments in Southgate which open early hours in the vicinity, e.g. Costa Coffee, Harris & Hoole; McDonalds etc. and subsequently see no reason why this request shouldn't be granted.

It is not our intention to serve alcohol at this time and are a little perplexed by the CIP Policy as this appears to relate to alcohol, live music, plays, films and sporting events and late night refreshment. The earlier opening hours we have requested refer to food provision only and it is the Director's intention to offer these services in order to meet our patrons, guests and members requests.

Additionally, we are planning many community-based functions, and already in 2013 (in association with The Southgate Chamber of Trade and EBRA) we took part in three separate events in support of the community:

- a) For the **Southgate Festival** we opened up a 'period tearoom' in the premises. This was extremely successful and we are still asked if this will be a permanent feature at the club. This is something we wish to develop.

- b) In December we hosted an **OAP Christmas lunch** and Bingo at the Club. This was again extremely successful and we wish to expand on this for 2014 by doing more for those less fortunate within the community. (The feedback we also received from local dignitaries is that, in Enfield, due to understandable cost constraints, many of these services have been curtailed.)
- c) Lastly, The Club also hosted a **Santa's Grotto** in December 2013, which was attended by over 280 children plus their parents. We were told by one patron that the Grotto was better than Harrods! We consider this to be a 'not-for-profit' enterprise.

5. Summary and Conclusion

Regarding the continuance of the club, this establishment is in a very prominent position within the Southgate Circus Conservation Area and is listed as being one of the oldest buildings in Southgate.

The club is the oldest one in existence in Great Britain. It provided the first library in Southgate; it was the first tea and coffee establishment in Southgate, servicing teas, coffees, soups and food to the passing trade for many decades, and we have many original recipes from the wife of the Rev John Sale which we want to re-introduce - some dating back over 164 years. We have a great deal of heritage of which we are very proud.

Quite simply, in order to survive and invest in the future, we have to open our doors to the public for both food provision and to also expand our membership.

In summary we want to restore the values of the Club for the benefit of the community, and to continue to do this we need to explore all forms of revenue generation to ensure our continued existence. It is the Boards intention to revert to the business model of our founders; that the club is not just a drinking establishment but a facility for the people surrounding the club and beyond. We firmly believe that we can add additional value to Southgate and the community should this be granted.

I look forward to hearing your response.

Yours sincerely



Phil Ransome
Director, The Southgate Members Club Limited

Cc Sunil Chawla – Director, Southgate Club

THE SOUTHGATE CLUB - WK/213090013**EXISTING LICENCE CONDITIONS :****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

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. **An alarm system shall be installed, operated and operated at the premises.**
5. **Performers shall be informed to keep the volume of music to a reasonable level.**
6. **A notice shall be displayed within the premises requesting patrons to not slam their car doors.**
7. **The DPS or a Club Director shall be at the premises in a supervisory capacity at all times during licensable activities.**
8. **A member of the Club, or a representative of the private hirer of the premises, shall be seated at the rear entrance foyer of the premises during events to prevent unauthorised entry to the premises and to ensure patrons enter and leave the premises quietly.**
9. **Children under the age of 18 years of age shall not be permitted in the licensed area, except at events where there is a positive social benefit to their attendance, such as a family birthday party, wedding reception, etc.**

CONDITIONS REQUESTED BY THE METROPOLITAN POLICE SERVICE :

10. **A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside and all floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (4) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images – colour during opening times; (7) Operate under existing light levels within and outside the premises; (8) Have**

the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police or authorised local authority employees will have access to images at any reasonable time; (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

11. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be should not be taken off the outside seating area 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.

CONDITIONS REQUESTED BY THE LICENSING AUTHORITY :

12. 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.
13. Children shall only be permitted on the premises until 23:00 and provided that they are accompanied by an adult at all times.
14. Whenever regulated entertainment is provided staff shall carry out a noise assessment outside the premises every hour starting at 23:00 to ensure noise from the premises does not create a nuisance to local residents. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days and shall be made available for inspection when requested by officers from the Council's Licensing Team. Staff shall be trained in the action to take if they believe the premises may be causing a disturbance to local residents.
15. 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.
16. All training shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
17. 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.

- 18. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.**
- 19. With the exception of access and egress, all doors and windows shall be closed when the premises are in use for the purpose of regulated entertainment.**

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

MUNICIPAL YEAR 2014/15 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
14 May 2014

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Application to vary a premises licence</p> <p>PREMISES : Nazli Food Centre 44 & 44A Fore Street, Edmonton N18</p> <p>WARD : Bowes</p>	

1 LICENSING HISTORY & CURRENT POSITION :

- 1.1. On 18 May 2006 an application by Miss Husniye Degrimenci and Mr Mehmet Yasar for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2. On 30 May 2007 an application by Messrs Degrimenci & Yasar to vary the Premises Licence, which was subject to representations from the Metropolitan Police Service and the Environmental Health Service, was granted-in-part by the Licensing Sub-Committee. The Chairman made the following statement : "We have listened carefully to representations from the applicant, the Environmental Health Officer and the Metropolitan Police and also read the evidence presented by all parties. We have heard that these premises are situated within the highest concentration of crime and disorder in the borough and in a designated alcohol control zone. We have also heard that the Nazli Food Centre has received a warning for selling alcohol to an underage person in August 2006, plus the lack of availability of a 'Refusals Book' when asked. However we have also learned that these premises have been operating without further problems since that date and the applicants have agreed to the conditions requested by the responsible authorities. Mindful of Enfield Council's Licensing Policy, particularly paragraph 8.3 concerning nearby residential premises and paragraph 8.6 that the availability of alcohol gives rise to concerns, this could exacerbate current problems, we have decided to increase the hours permitted for the supply of alcohol but not fully to 24 hours as requested, as follows - Supply of alcohol Monday – Sunday 07.00 to 01.00 (the following day)."
- 1.3. On 10 June 2010 an application by **Mr Ilker Karakas** to transfer the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

- 1.4. The current Premises Licence permits :
- 1.4.1. **Hours the premises are open to the public** : Sunday to Saturday from 00:00 to 00:00 (i.e. 24-hours a day, 7-days a week).
- 1.4.2. **Supply of alcohol (off supplies only)** : Sunday to Saturday from 07:00 to 01:00 the following day.
- 1.5. A copy of a location map of the premises is attached as Annex 01.
- 1.6. A copy of the current Premises Licence is attached as Annex 02.

2 **THIS APPLICATION** :

- 2.1 Application is made by **Mr Ilker Karakas** to vary the Premises Licence. The application (as amended on 6 March 2014) now seeks :
 - 2.1.1 **Hours the premises are open to the public** : no change.
 - 2.1.2 **Supply of alcohol (off supplies only)** : Sunday to Saturday from 07:00 to 03:00 the following day.
- 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 03.

3 **RELEVANT REPRESENTATIONS** :

- 3.1 **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 public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the variation to be refused.
 - 3.1.1 A copy of the representation is attached as Annex 04.

4 **RESPONSE TO THE REPRESENTATIONS** :

- 4.1 On 21 March 2014 **Mr Ilker Karakas** complied with the Council's request to provide a statement "to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy."
- 4.2 A copy of the statement is attached as Annex 05.

5 **PROPOSED LICENCE CONDITIONS** :

- 5.1 The conditions arising from this application and representations are attached as Annex 06, all are agreed.

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)].

Cumulative Impact Policy :

- 6.5 The applicant premises/club premises is located in the Edmonton Cumulative Impact Policy Area [Pol s.9.21/22].
- 6.6 The application is for a full variation of a premises licence [Pol s.9.21/22].
- 6.7 The application is subject to a relevant representation [Pol s.9.21/22].
- 6.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.21/22].
- 6.9 The Core Hours for this application are :
6.9.1 Sale/supply of alcohol (off supplies only) : Monday to Sunday Indoors and/or outdoors 08:00 to 23:00 [Pol s.9.23.4].

6.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.22].

6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.36].

Hours :

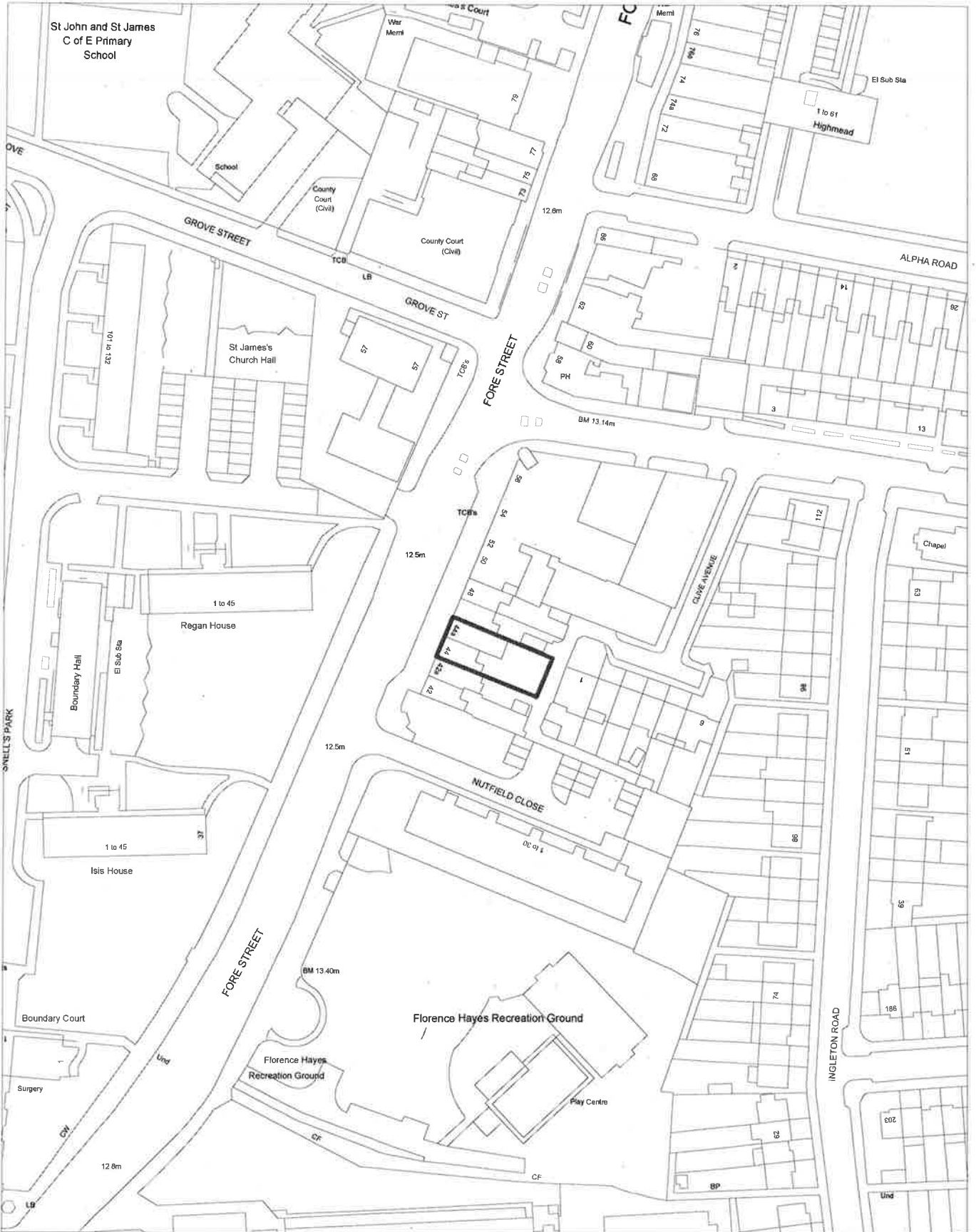
- 6.12 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.11].
- 6.13 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].

Decision :

- 6.14 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].
- 6.15 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:
- 6.15.1 the steps that are appropriate to promote the licensing objectives;
 - 6.15.2 the representations (including supporting information) presented by all the parties;
 - 6.15.3 the guidance; and
 - 6.15.4 its own statement of licensing policy [Guid 9.34].
- 6.16 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 :
- 6.16.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.16.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.16.3 to refuse to specify a person in the licence as the premises supervisor;
 - 6.16.4 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



Nazli Food Centre, Ground Floor, 44 Fore Street, LONDON, N18 2SS

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



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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/200600118

Part 1 – Premises Details

Postal address of premises :

Premises name : Nazli Food Centre

Telephone number : 07909 761723

Address : 44-44A Fore Street LONDON N18 2SS

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

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

(1) Open to the Public - Whole Premises	
Sunday :	00:00 - 00:00
Monday :	00:00 - 00:00
Tuesday :	00:00 - 00:00
Wednesday :	00:00 - 00:00
Thursday :	00:00 - 00:00
Friday :	00:00 - 00:00
Saturday :	00:00 - 00:00

(2) Supply of Alcohol - Off Supplies	
Sunday :	07:00 - 01:00
Monday :	07:00 - 01:00
Tuesday :	07:00 - 01:00
Wednesday :	07:00 - 01:00
Thursday :	07:00 - 01:00
Friday :	07:00 - 01:00
Saturday :	07:00 - 01:00

Part 2

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

Name :	Mr Ilker Karakas
Telephone number :	020 8803 9846
e-mail :	Not provided
Address :	262 Evelyn Court, Amhurst Road, Hackney, London, E8 2BW

Registered number of holder (where applicable) :

Not applicable

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

Name :	Not applicable
Telephone number :	
Address :	

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

Name :	Miss Pelin Hasyer
Telephone number :	Not provided
e-mail :	Not provided
Address :	1A Market Parade, Winchester Road, LONDON, N9 9HF

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

Personal Licence Number :	LN/201100132
Issuing Authority :	London Borough of Enfield

Premises Licence LN/200600118 was first granted on 18 May 2006.

Signed : 

Date : 10th June 2013

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



Annex 1 - Mandatory conditions

- 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.**

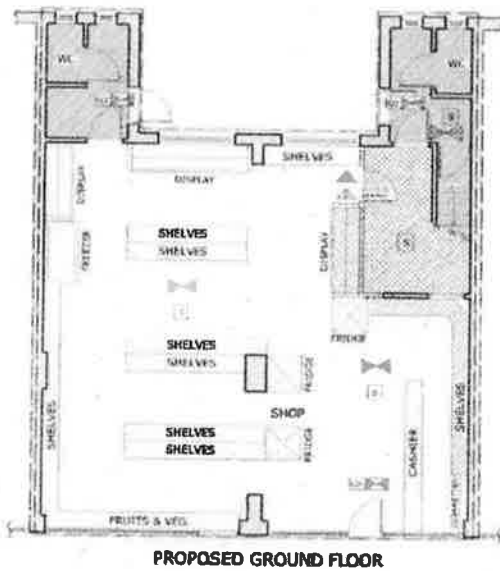
Annex 2 - Conditions consistent with the Operating Schedule

- 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. A minimum of two staff shall be on the premises after 23:00.**
- 5. The 'red care' alarm system shall be operated and maintained at the premises.**
- 6. Notices shall be displayed requesting that customers arriving at, queuing and leaving the premises do so quietly.**
- 7. A 'refusals book' shall be operated at the premises.**
- 8. A CCTV system shall be installed, operated and maintained at the premises. This system shall conform to the Data Protection Act requirements and shall monitor the front door, till, all alcohol display areas and the pavement outside the premises. The system shall be either video or digital. The time and date shall be generated onto all recordings which shall be retained for a minimum of 31 days. Signs shall be displayed informing customers and the passing public that recorded CCTV is in use at the premises.**
- 9. A 'Raid Control' system shall be installed, operated and maintained at the premises. This system shall comprise : a time-delay safe; a separate covert real-time camera ('Raid Cam') fitted above the front door; a smoke note system; the minimisation of cash kept in the till; and training for all staff.**
- 10. The 'Think 21', or similar, proof-of-age scheme shall be operated at the premises and relevant literature shall be displayed.**
- 11. Shutters shall be installed over the alcohol display areas and shall be locked shut after 00:00 (Sunday - Thursday) and 00:30 (Friday - Saturday).**
- 12. Unaccompanied children under 14 shall not be allowed to enter the premises after 21:00.**

Annex 3 - Conditions attached after a hearing by the licensing authority

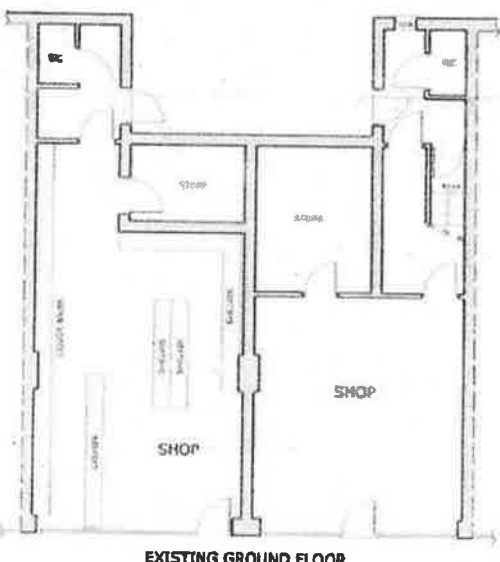
Not applicable

Annex 4 – Plans



- LEGEND**
- LIQUOR SALES
 - WC, PASSAGEWAY, ETC.
 - LIQUOR STORAGE
 - AMBIT OF LICENSED PREMISES
 - SAFETY LIGHTING
 - SMOKE DETECTOR
 - CARBON DIOXIDE FIRE EXTINGUISHER
 - 9 LT. WATER FIRE EXTINGUISHER
 - INTERNALLY ILLUMINATED FIRE ESCAPE SIGN (BS 5266)

PROPOSED GROUND FLOOR



EXISTING GROUND FLOOR

PROPOSED SHOP AREA: 96.00m²

THE CONTENTS OF THIS PLAN INCLUDING THE PRINTED NOTES ARE COPYRIGHT AND REPRODUCTION IN WHOLE OR PART IS NOT PERMITTED WITHOUT PRIOR CONSENT OF ANVA LTD. IN WRITING

NAZLI MINIMARKET
44-44A FORE STREET
LONDON N18 2SS

EXISTING & PROPOSED
-GROUND FLOOR PLAN

SCALE: 1/100	REF. NO: 65.05/01
DATE: MAR 06	DRG BY: AAY

ANVA LTD.
 P.O. BOX.1827
 ILFORD. IG2 7WJ
 TEL: 020 8590 5026 FAX: 020 8596 4401
 MOBILE: 077 10942923 / 079 31303989

AMN 03
 CHA R 19000
 05998

WKA/213082733

Application to vary a premises licence under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I/We **MR IIKER KARAKAS**

(Insert name(s) of applicant)

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

Premises licence number L/N - 200600/18

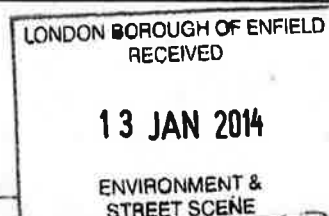
Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description NAZLI FOOD CENTRE 44 FORE STREET			
Post town	LONDON	Post code	N18 2SS

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£16,500

Part 2 – Applicant details

Daytime contact telephone number			
E-mail address (optional)			
Current postal address if different from premises address	6 KINDER HOUSE CRANSTON ESTATE		
Post Town	LONDON	Postcode	N1 5EJ



Part 3 - Variation

Please tick yes

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

If not do you want the variation to take effect from

Day	Month	Year

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
TO EXTEND THE LICENSABLE HOURS FOR THE RETAIL SALE OF ALCOHOL

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick yes**

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

Provision of entertainment facilities:

- | | |
|--|--------------------------|
| i) making music (if ticking yes, fill in box I) | <input type="checkbox"/> |
| j) dancing (if ticking yes, fill in box J) | <input type="checkbox"/> |
| k) entertainment of a similar description to that falling within (i) or (j)
(if ticking yes, fill in box K) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box L)**Sale by retail of alcohol (if ticking yes, fill in box M)**

In all cases complete boxes N, O and P

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 type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	01:00	07:00			
Tue	01:00	07:00			
Wed	01:00	07:00			
Thur	01:00	07:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	01:00	07:00			
Sat	01:00	07:00			
Sun					

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)

NONE

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) no change
Day	Start	Finish	
Mon			
Tue			
Wed			
Thur			
Fri			
Sat			Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) no change
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking
CONDITIONS 11.

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

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

THE EXISTING LICENCE HAS EXTENSIVE CONDITIONS THAT ALREADY SUPPORT A LATER LICENCE.
HOWEVER WE ARE OPEN TO ANY FURTHER SUGESTIONS THAT CAN HELP IMPROVE THE PROMOTION OF THE LICENSING OBJECTIVES DUE TO LATER HOURS.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	06 JANUARY 2014
Capacity	DULY AUTHORISED AGENT

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
MR NOEL A SAMAROO NATIONAL TRAINING AND DEVELOPMENT 12 MARVELL CLOSE POUNDHILL			
Post town	CRAWLEY	Post code	RH10 3AL
Telephone number (if any)	075 4444 0655		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) info.ntad@gmail.com			



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: Nazli Food Centre
 44-44A Fore Street
 London
 N18 2SS

Type of Application: Variation - 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 is a variation application to allow the sale of alcohol (off sales) 24 hours a day Monday – Sunday. The premises currently opens 24 hours and is licensed to sell alcohol 07:00 – 01:00.

The licence was transferred to the current licence holder in June 2010 and the DPS was varied in February 2011 and again in June 2013.

Council records show the following history in relation to this premises in the last year:

15/05/13 – 11:50 - Licensing Enforcement Officers (CPX/TP) visited the premises, only English speaker was leaving the premises but said that the owner would be there in the evenings. When asked if the DPS was there they said they left a year ago. Left vary DPS application form and advised to submit ASAP and that Officers would visit again.

18/05/13 - 22:05 - Licensing Enforcement Officers (CT/AA) visited the premises. Unable to check conditions as no-one at premises aware of them. Mr Ilker Karakas, PLH, not on premises. Male behind the counter rang a female who arrived and gave her name as Miss Pelin Hasyer. She said she was to be the new DPS. Went through Vary DPS application form and advised must submit ASAP. Also explained what she needed to do to amend address on her Personal Licence. Completed Inspection Report and gave 14 days to comply. Left at 22:20.

03/06/13 - 17:10 - 17:30 - Licensing Enforcement Officer (CPX) visited the premises. Full licence inspection carried out. C5 - No alarm system in place - premises never closes, C9 - Raid control not installed, C11 one section of alcohol not behind shutters.

Also discussed variation applications and Enfield's Cumulative Impact Policy. Vary DPS application pending.

08/07/13 - 11:45 - 12:00 Licensing Enforcement Officers (CPX) visited the premises to check C5, 9, 11 - Camera seen above door but it is not covert. Staff said safe was time delayed but he was not aware of a smoke note system being in place. Alarm and shutters in place. New shutter is just a blind which cannot be locked, however it is behind the counter which does lock. Given 14 days to get smoke note system.

15/07/13 - Phone call from premises advising that smoke note system is in place as of today.

Prevention of Nuisance:

This premises is located on Fore Street, very close to the Haringey boarder. There are residential dwellings surrounding the premises in Nuffield Close, above the premises and also blocks of flats opposite the premises.

Planning Information:

There are no planning issues in relation to this application.

Cumulative Impact Policy (CIP):

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications. The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Sale/supply of alcohol (off supplies only): Monday – Sunday 08:00 – 23:00

The current licensed hours for this premises already exceed those specified in the CIP.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

This application is for a significant increase in the licensed hours. Ambient background noise levels are reduced during the early hours of the morning. If the premises was permitting to sell alcohol 24 hours a day it could lead to increased noise and disturbance to the surrounding area and could be detrimental to the residential amenities and quality of life for residents.

In summary I wish to make representation on the following:

- **Prevention of Public Nuisance**

I object to any increase in the licensed hours. 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 06

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

If the applicant agreed to these conditions **I WOULD NOT** withdraw my representation.

Officer: Charlotte Palmer Tel: 0208 379 3965 / charlotte.plamer@enfield.gov.uk

Signature:

A handwritten signature in cursive script, appearing to read 'Palmer', written in black ink.

Date: 06/02/14

STATEMENT TO BE CONSIDERED BY THE LSC OF ENFIELD

Section 8.36 of the Statutory Guidance issued by the Secretary of State to the Home Office

APPLICATION TO VARY THE HOURS OF LICENSABLE ACTIVITYFORNAZLI FOOD CENTRE, 44-44A FORE STREET, LONDON N18 2SS

1. Understanding of how the policy impacts on this application
2. Proposed measures to mitigate any impact
3. Reasons why the LSC may consider this application to be an exception to the policy.

1. Understanding of how the policy impacts on this application

After careful reading and consideration of the licensing policy relating to the CIP as introduced on the 01 April 2012. It clearly states that the majority of Negative impact has come from On Licenced Premises with Late Night Refreshment and Regulated Entertainment.

However we do understand that late Night Off Licences can have a negative impact if not properly regulated or controlled sufficiently to ensure that alcohol is not being supplied to street drinkers or to potential customers that are already intoxicated.

It was noted that many of the incidents that required police attention or noise control were between the hours of 01.00 - 03.00 but very few were in public places.

We do however appreciate that increased noise or antisocial behaviour can have a negative impact on the local resident community and we do therefore wish to demonstrate to the LSC that we have Proposed measures to ensure that any impact will be positive not Negative on any of the Licensing Objectives.

We would also like to respectfully draw the attention of the LSC to the fact that we are already a 24hr operation with alcohol sales until 01.00, alcohol relates to 20% of our turnover and takes 35% of our retail floor space. We are by our very nature a local General Store and this application was also at the request of our customers who are local residents. We have not had any incidents in all the time we have been trading or any failed test purchases and have always co-operated fully with the licencing authority and the local police.

2. Proposed measures to mitigate any impact

The original Application was for alcohol to be sold from 00.00 to 00.00 24hr however after careful consideration on the impact on local services and with the premises falling within the CIP it was considered that 03.00 to be the terminal hour was more appropriate.

Existing Conditions consistent with the Operating Schedule on the Premises Licence in addition to the Mandatory Conditions are:

- a. 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.
- b. A minimum of two staff shall be on the premises after 23:00.

- c. The 'red care' alarm system shall be operated and maintained at the premises.
- d. A CCTV system shall be installed, operated and maintained at the premises. This system shall conform to the Data Protection Act requirements and shall monitor the front door, till, all alcohol display areas and the pavement outside the premises. The system shall be either video or digital. The time and date shall be generated onto all recordings which shall be retained for a minimum of 31 days. Signs shall be displayed informing customers and the passing
- e. A 'Raid Control' system shall be installed, operated and maintained at the premises. This system shall comprise: a time-delay safe; a separate covert real-time camera ('Raid Cam') fitted above the front door; a smoke note system; the minimisation of cash kept in the till; and training for all staff.

Proposed Additional Conditions by Licensing Enforcement Team

1. Notices shall be displayed requesting that customers arriving at, queuing and leaving the premises do so quietly. 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.
2. A 'refusals book' shall be operated at the premises. 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.(already in place)
3. The '**Think 25**', or similar, proof-of-age scheme shall be operated at the premises and relevant literature shall be displayed. 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. (already in place)
4. Unaccompanied children under 14 shall not be allowed to enter the premises after 21:00
Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
5. Refresher training (at least every three months) relating to the sale of alcohol and the times and conditions of the premises licence.
6. All training 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.
7. Customers shall be discouraged from congregating outside the premises.
8. 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.

Additional conditions proposed by the DPS and Premises Licence Holder

1. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.
2. All alcohol to be labelled with the name of the premises for clear identification as to place of purchase by any Responsible authority

3. Reasons why the LSC may consider this application to be an exception to the policy.

Notwithstanding the fact that there is a presumption that the application will be refused in accordance with the Cumulative Impact Policy by the LSC applications to vary a premises licence for later hours it is the intention of the Premises Licence Holder and the DPS to Respectfully request the LSC to consider this application on the following grounds.

Nazli Food Centre has been trading for some time outside of the core licensing hours and has demonstrated that it has and can operate within the Guidelines and not have a Negative impact on any of the Licensing Objectives it also would like the LSC to consider the additional 2 hours not to be of significance to impact negatively on the Licensing Objectives or the Local Community but can prove to be significant on the survival of this small business.

The premises as stated has demonstrated that it is a well-run professional operation this is borne out by the fact that it has never had any complaints of any nature and that with this application there have been no representations from the Police or interested parties

There are many conditions already on the premises licence to ensure the integrity of the Licensing objectives, however with the additional conditions proposed by the licensing Authority and the conditions proposed by the Premises Licence Holder and DPS to be sufficient for the applicant to respectfully request the LSC to consider this application an exception.

20.03.2014

NAZLI FOOD CENTRE
NTAD CONSULTANTS LTD

NAZLI FOOD CENTRE – WK/213082733**EXISTING LICENCE CONDITIONS :****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

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. A minimum of two staff shall be on the premises after 23:00.
5. The 'red care' alarm system shall be operated and maintained at the premises.
6. A CCTV system shall be installed, operated and maintained at the premises. This system shall conform to the Data Protection Act requirements and shall monitor the front door, till, all alcohol display areas and the pavement outside the premises. The system shall be either video or digital. The time and date shall be generated onto all recordings which shall be retained for a minimum of 31 days. Signs shall be displayed informing customers and the passing public that recorded CCTV is in use at the premises.
7. A 'Raid Control' system shall be installed, operated and maintained at the premises. This system shall comprise : a time-delay safe; a separate covert real-time camera ('Raid Cam') fitted above the front door; a smoke note system; the minimisation of cash kept in the till; and training for all staff.

CONDITIONS REQUESTED BY THE LICENSING AUTHORITY (AND AGREED BY APPLICANT ON 6 MARCH 2014) :

8. 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.
9. 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.
10. 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.

- 11. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.**
- 12. 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.**
- 13. 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.**
- 14. Customers shall be discouraged from congregating outside the premises.**
- 15. 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.**

CONDITIONS PROPOSED BY LICENCE HOLDER ON 6 MARCH 2014 :

- 16. No super-strength beer, lagers, ciders or spirit mixtures of 5.5% ABV (alcohol by volume) or above shall be sold at the premises.**
- 17. All alcohol to be labelled with the name of the premises for clear identification as to place of purchase by any Responsible authority**

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

LICENSING SUB-COMMITTEE - 26.2.2014

**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,

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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

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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

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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.

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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

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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

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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.

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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

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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

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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

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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

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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.

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- 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:

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- 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.

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- 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

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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."

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LICENSING SUB-COMMITTEE - 19.3.2014

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 MARCH 2014**

COUNCILLORS

PRESENT Derek Levy, Toby Simon and Glynis Vince

ABSENT

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

Also Attending: N/A

865

WELCOME AND APOLOGIES

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

866

DECLARATION OF INTERESTS

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

867

**GAZAN RESTAURANT, 170-172 HIGH STREET, PONDEERS END, EN3
(REPORT NO.227)**

RECEIVED applications to (1) vary the designated premises supervisor and (2) vary the Premises Licence for the premises known as and situated at Gazan Restaurant, 170-172 High Street, Ponders End, EN3.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. An email had been received by the Licensing Authority at 08:07 this morning sent on behalf of the applicant from their agent FSL consultants.
 - b. The first application, to vary the designated premises supervisor, had been withdrawn. There was therefore nothing which the Licensing Sub-Committee could determine in respect of that application. The designated premises supervisor would remain Mr Riza Demirtas.
 - c. In respect of the second application, to vary the plan of the premises and some operating hours, the operating hours part of the application was

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- withdrawn. Therefore, the Licensing Sub-Committee would purely determine the change of layout plan.
- d. As part of their submissions, conditions had been requested by the Metropolitan Police Service and by the Licensing Authority, and a condition proposed by the licence holder. These conditions, numbered 16 to 22 were set out in Annex 08 on page 65-66 of the agenda pack.
- e. At 09:00 this morning the agent Fabien had phoned the Licensing Team and said he would not be attending this hearing today. He said the manager of the premises would be in attendance, but he was not here.
2. The statement of the Chairman, confirming that the hearing had commenced as advertised and the Licensing Sub Committee agreed that this hearing should continue and would now only address the new plan of the premises.
3. The Principal Licensing Officer responded to Members' questions as follows:
- a. He advised that the resolution, if agreed, would be to grant the application as amended in full, subject to conditions in accordance with Annex 08 to the report if the Sub-Committee found it appropriate to do so.
- b. In response to queries in respect of Condition 16, it was confirmed that the condition had been offered on the application form. It was for the Licensing Sub Committee to decide if they considered that it was superseded by Condition 20 requested by the Licensing Authority.
- c. In response to queries about the wording of Condition 20, it was suggested that the first sentence should read: "A dispersal policy shall be prepared and agreed with the Head of Business Regulation at the Council, within 14 days of 19/3/14."
4. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. She welcomed the submission of up-to-date plans to the premises, but that it had taken six months of repeated advice and threat of prosecution to get to this stage was disappointing and concerning.
- b. The continued provision of late night refreshment while the plan was incorrect was a licensing offence, and had occurred despite letters of advice, and a LNR test purchase in January.
- c. Conditions 19 and 20 were offered by the applicant in their operating schedule. Part b) on page 28 advised that all incidents would be recorded in an incident logbook kept at the premises, and that any incidents of crime and disorder would be reported to the Police, and CCTV would be maintained and correctly operated. Part d) advised that customers would be discouraged from congregating outside the premises, and that customers leaving the premises would comply with the company's dispersal policy. Conditions 19 and 20 requested by the Licensing Authority on page 66 were re-wording of these conditions offered by the applicant.
- d. Condition 21 was requested for public safety. After speaking to the fire officer, until there was an additional fire exit provided, no more than 60

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people should be permitted inside the premises, which was felt to be a safe capacity.

e. Condition 22 was requested because this was a very residential area, and neighbouring residents had been affected in the past by noise, smoke and odour. Officers wanted to ensure that residents were not disturbed by people's noise from the use of the outer seating area.

5. PC Fisher, Metropolitan Police representative advised that he would give further details of requested Conditions 17 and 18 if Members had concerns.
6. The Chairman confirmed that no representations were made today by the applicant or representative of the applicant.
7. The Principal Licensing Officer confirmed that, taking account of the proposed amendments discussed, the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives.

RESOLVED that

1. The Licensing Sub-Committee RESOLVED that the application as amended be granted in full, subject to Conditions 1 to 15, which are not disputed, and Conditions 17 to 22.
2. The Chairman made the following statement:

“The Licensing Sub-Committee resolved that the application be granted in full in terms of the new plan of the premises.

Condition 16 as offered was deemed not to be enforceable, and was addressed by Condition 20 requested by the Licensing Authority. Therefore the Licensing Sub-Committee is imposing Conditions 17 to 22 of Annex 08 to the report, with the amended wording of Condition 20 as discussed, which would be renumbered in the issuing of the licence.

This decision is made in order to strengthen the licence and appropriately addresses the licensing objectives.”

868

LA FACE, 169-171 FORE STREET, EDMONTON, N18

Licensing Sub-Committee agreed (under Section 100B(4) of the Local Government Act 1972 – as amended) to consider the following as an urgent item, in order to avoid the necessity of holding a hearing as no other parties had made representation.

1. The statement of Mark Galvayne, Principal Licensing Officer, including the following points:

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- a. An application for review of the Premises Licence held by Ms Sylvia Nalugwa Luttaya at the premises known as and situated at La Face, 169-171 Fore Street, Edmonton N18 was made by the Metropolitan Police Service, supported by a relevant representation by the Licensing Authority.
 - b. This application had been scheduled to be considered at a Licensing Sub-Committee hearing on 16/4/14.
 - c. However, yesterday all three parties (the licence holder, Police and Licensing Authority) came to an agreement on how to determine the review, in respect of amendments to the licence hours and conditions.
 - d. All agreed it was not considered necessary to hold a full public hearing in respect of the review.
 - e. On the basis that mediation had occurred and agreement had been reached, the parties had requested that the review be determined under officers' delegated powers, but this was not permitted as reviews must be determined by Licensing Sub-Committee.
 - f. It was therefore sought to determine the review as an urgent matter today. The public expense and the time involved in holding a separate hearing would thus be avoided.
 - g. No other parties could be prejudiced by determining the review today as no-one else would have been permitted to speak other than the three parties involved, who had come to an agreement.
 - h. The Licensing Sub-Committee were asked to modify the conditions of the licence as agreed by the three parties involved.
2. In response to the Chairman's query as to any legal reason that the review may not be determined today, the Legal Services representative confirmed that there were none and that the situation was as advised in relation to why the review could be determined by Licensing Sub-Committee today.
 3. In response to the Chairman's queries regarding the opportunity for parties to make representations, the Principal Licensing Officer confirmed that the 28 day period for making representations had passed, and the only representation received was from the Licensing Authority. Therefore no-one else could have spoken at a review hearing.
 4. The Licensing Sub-Committee AGREED to the request to consider the review as an urgent matter. The Chairman confirmed that the Licensing Sub-Committee today was properly constituted and that no parties would be prejudiced by determination of the review today. The Licensing Sub-Committee welcomed the agreement by the parties involved.
 5. The Chairman read the formal decision notice:

Application was made by the Metropolitan Police Service, supported by a relevant representation from the Licensing Authority, for a review of the Premises Licence (Annex 1 attached) held by Ms Sylvia Nalugwa Luttaya at the premises known as and situated at La Face, 169-171 Fore Street, Edmonton, N18.

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On 18 March 2014 the licence holder, the Metropolitan Police Service and the Licensing Authority agreed that it is appropriate, for the promotion of the licensing objectives, to modify the conditions of the licence in accordance with Annex 2 and Annex 3 (attached). Also on 18 March 2014 all parties agreed that a full public hearing was unnecessary for the consideration of this matter.

In accordance with Section 52 of the Licensing Act 2003, before determining the review, a hearing must be held to consider the application and any relevant representations.

The Licensing Sub-Committee RESOLVED that it considers the step below to be appropriate for the promotion of the licensing objectives:

- (a) to modify the conditions of the licence (Annex 1) in accordance with Annex 2 and Annex 3 (attached).

Reasons:

As all parties had agreed to the Licensing Sub-Committee's resolution prior to the hearing, no reasons are required for the decision that we have made and there can be no appeal arising from this agreed decision.

869

MINUTES OF PREVIOUS MEETING HELD ON 19 FEBRUARY 2014

RECEIVED the minutes of the meeting held on 19 February 2014.

AGREED that the minutes of the meeting held on 19 February 2014 be confirmed and signed as a correct record.

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THANKS TO CHAIRMAN

As this was the final definite meeting of the Licensing Sub-Committee of the 2013/14 municipal year, Councillor Simon recorded thanks to Councillor Levy as Chairman of Licensing Committee for all the work he had done.

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