

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 13 May 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Councillors : Derek Levy (Chair), Toby Simon and Jim Steven

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

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

3. THE WINCHMORE, 235 WINCHMORE HILL ROAD, LONDON, N21 1QA (REPORT NO. 237) (Pages 1 - 52)

Application for a new premises licence.

4. HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, ENFIELD, EN3 5BL (REPORT NO. 238) (Pages 53 - 122)

Application to review a premises licence.

5. MINUTES OF PREVIOUS MEETING HELD ON 15 APRIL 2015 (Pages 123 - 138)

To receive and agree the minutes of the meeting held on Wednesday 15 April 2015.

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 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
13 May 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : New premises licence application</p> <p>PREMISES : The Winchmore, 235 Winchmore Hill Road N21</p> <p>WARD : Southgate</p>	

1. **LICENSING HISTORY & CURRENT POSITION :**

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

LICENCE 1 – LN/200501025

- 1.2 On 8 August 2005 an application by Mr Keith Freeman to convert an existing Justices On Licence and an existing Public Entertainment Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 21 February 2007 an application by **Messrs Phidias and Simis Kouttis** to transfer the Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.4 On 17 June 2010 application was made by the **Trading Standards Service** (which is the Weights & Measures Responsible Authority for the borough) for a review of the Premises Licence.
- 1.5 The review was made on the grounds of the prevention of crime and disorder.
- 1.6 The authority considered that it is necessary, for the promotion of the licensing objectives to revoke the licence. This was decision was appealed, but the magistrates Court dismissed the appeal.

LICENCE 2 – LN/200800171

- 1.7 On 1 March 2008 an application by **Messrs Phidias and Simis Kouttis** for a new Premises Licence (for usable areas of the Ground and First Floors), that was subject to representations from the Environmental Health Service, from the Trading Standards Service and from 63 (sixty-three) Interested Parties, was granted-in-part by the Licensing Sub-Committee.

1.8 The licence was reviewed in June 2010 by Trading Standards following a significant number of complaints relating to loud music, people noise, unlicensed activities and alleged breach of conditions.

1.9 The hours of the licence for some activities were reduced and the conditions amended. An appeal was launched but was subsequently dismissed by the Magistrates Court.

1.10 On 7th March 2013, the premises licence was transferred into the name of Star Pubs & Bars Limited, 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ.

1.11 On 4th February 2015, a new premises licence application was granted, which amended the plan of the premises to reflect the change in the layout.

1.12 The current Premises Licence permits:

1.12.1 **Hours the premises are open to the public** : 09:00 to 23:30 daily.

1.12.2 **Supply of alcohol (on supplies)** : 10:00 to 23:00 daily.

1.12.3 **Live music (indoors)**: 09:00 to 23:00 daily.

1.12.4 **Recorded music**: 09:00 to 23:00 daily.

1.12.5 **Performance of dance**: 09:00 to 23:00 daily.

1.13 A copy of this Premises Licence is attached as Annex 02.

2. THIS APPLICATION :

2.1 This application seeks modifications to conditions, and initially requested an extension of hours for the sale of alcohol, and opening hours compared to that of premises licence LN/200800171.

2.2 However, as a result of mediation between the applicant, the Metropolitan Police, the Licensing Authority and Interested Parties, the application now seeks:

2.2.1 **Hours the premises are open to the public** : 09:00 to 23:30 daily.

2.2.2 **Supply of alcohol (on and off supplies)** : 10:00 to 23:00 daily.

2.2.3 **Live music (indoors)**: 09:00 to 23:00 daily.

2.2.4 **Recorded music (indoors)**: 09:00 to 23:00 daily.

2.2.5 **Performance of dance (indoors)**: 09:00 to 23:00 daily.

2.3 The applications were advertised in accordance with the requirements of the Licensing Act 2003.

2.4 Each of the Responsible Authorities were consulted in respect of each application.

2.5 A copy of the application is attached as Annex 03.

3. RELEVANT REPRESENTATIONS :

3.1 Metropolitan Police: As times and conditions have been agreed (i.e. the applicant has agreed to amend the operating schedule attached to the application to include additional steps to promote the licensing objectives) the representation, against the application, has been duly withdrawn.

3.2 Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services): As times and conditions have been agreed (i.e. the applicant has agreed to amend the operating schedule attached to the application to include additional steps to promote the licensing objectives) the representation, against the application, has been duly withdrawn.

3.3.1 Other Persons : Representations have been made, against the application, by persons residing at 11 (eleven) separate addresses in the vicinity of the premises. The grounds of representation include crime & disorder and public nuisance.

3.3.2 Copies of the representations are attached as Annex 04.

4. PROPOSED LICENCE CONDITIONS :

4.1 The conditions arising from this application are attached as Annex 05.

5. RELEVANT LAW, GUIDANCE & POLICIES :

5.1 The paragraphs below are extracted from either :

5.1.1 Licensing Act 2003 ('Act'); or

5.1.2 Guidance issued by the Secretary of State for Culture, Media and Sport of March 2010 ('Guid'); or

5.1.3 London Borough of Enfield's Licensing Policy Statement of January 2010 ('Pol').

General Principles :

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

5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

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

- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.17.1].

There can be confusion about the difference between the "need" for premises, and the "cumulative impact" of premises on the licensing objectives. "Need" concerns the commercial demand for another pub or restaurant or hotel, and is a matter for the planning authority and for the market. This is not a matter for the Sub-Committee in discharging its licensing functions [Guid 13.18].

Cumulative Impact Policy:

The applicant premises/club premises is not located in a Cumulative Impact Policy Area [Pol s.9.20].

Hours:

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 10.13].

However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].

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].

Regulated Entertainment:

With effect from 6th April 2015, changes were made to Schedule 1 of the Licensing Act 2003 which determines whether different types of regulated entertainment are licensable or not.

In relation to this application:

No licence is required for recorded music if it takes place on a premises which are authorised by a premises licence for the supply of alcohol for consumption on the premises, as long as it takes place between 8am and 11pm, and the audience is less than 500 people.

No licence is required for the performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.

No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.

No licence is required for performances of dance between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

Decision:

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 representations and avoid straying into undisputed areas [Guid 9.36].

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:

- the steps that are appropriate to promote the licensing objectives;
- the representations (including supporting information) presented by all the parties;
- the guidance; and
- its own statement of licensing policy [Guid 9.37].

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 :

- to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
- to exclude from the scope of the licence any of the licensable activities to which the application relates;
- to refuse to specify a person in the licence as the premises supervisor;
- to reject the application [Act s.18].

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green on 020 8379 8543



The Winchmore, 235 Winchmore Hill Road, LONDON, N21 1QA.

LONDON BOROUGH OF ENFIELD
CIVIC CENTRE, SILVER STREET,
ENFIELD, EN1 3XE
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Date 1 May 2015



Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201400961

Part 1 – Premises Details

Postal address of premises :

Premises name : Willow

Telephone number : Not provided

Address : 235 Winchmore Hill Road LONDON N21 1QA

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 :	09:00 - 23:30
Monday :	09:00 - 23:30
Tuesday :	09:00 - 23:30
Wednesday :	09:00 - 23:30
Thursday :	09:00 - 23:30
Friday :	09:00 - 23:30
Saturday :	09:00 - 23:30

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

(2) Supply of Alcohol - On Supplies

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

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

(3) Live Music - Indoors

Sunday :	09:00 - 23:00
Monday :	09:00 - 23:00
Tuesday :	09:00 - 23:00
Wednesday :	09:00 - 23:00
Thursday :	09:00 - 23:00
Friday :	09:00 - 23:00
Saturday :	09:00 - 23:00

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

(4) Recorded Music - Indoors

Sunday :	09:00 - 23:00
Monday :	09:00 - 23:00
Tuesday :	09:00 - 23:00
Wednesday :	09:00 - 23:00
Thursday :	09:00 - 23:00
Friday :	09:00 - 23:00
Saturday :	09:00 - 23:00

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

(5) Performance of Dance - Indoors - GROUND FLOOR ONLY

Sunday :	09:00 - 23:00
Monday :	09:00 - 23:00
Tuesday :	09:00 - 23:00
Wednesday :	09:00 - 23:00
Thursday :	09:00 - 23:00
Friday :	09:00 - 23:00
Saturday :	09:00 - 23:00

Part 2

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

Name : Star Pubs & Bars Limited

Telephone number : 01315 281000

e-mail : real.estate@starpubs.co.uk

Address : 3-4 Broadway Park, South Gyle Broadway, Edinburgh, EH12 9JZ

Registered number of holder (where applicable) : SC250925

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

Name : Not applicable

Telephone number :

Address :

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

Name : Mr Mark James Walsh

Telephone number : Not provided

e-mail : Not provided

Address : 21 Hobsons Place, Daplyn Street, London, E1 5HH

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 : PERS-LIC/2148

Issuing Authority : London Borough of Camden

Premises Licence LN/201400961 was first granted on 4 February 2015.

Signed : 

Date : 4th February 2015

for and on behalf of the

London Borough of Enfield

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

Telephone : 020 8379 3578

ENFIELD
Council



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.**
- 3. Where the licence includes a condition that individuals are required to carry out any security activity at specified times at the premises each individual must be licensed by the Security Industry Authority.**

Annex 2 - Conditions consistent with the Operating Schedule

- 4. 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.**
- 5. An alarm system shall be installed operated and maintained at the premises.**
- 6. Toilets at the premises shall be checked for any sign of drug use every two hours and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.**
- 7. The car-park shall be locked no later than 30 minutes after closing time to prevent members of the public parking in the car park after the premises has closed.**
- 8. Litter bins and wall mounted ashtrays shall be provided outside the premises.**
- 9. Staff shall actively discourage patrons from congregating around the outside of the premises, except in the designated smoking area, after 23:00.**
- 10. No seating shall be permitted in the external area to the front of the premises.**
- 11. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.**
- 12. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences and ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 13. Children aged under 15 years shall only be permitted on the ground floor of the premises up until 19:00 and if they are accompanied by an adult.**

- 14. Children aged 15 years and over shall only be permitted on the ground floor of the premises up until 21:00 and if they are accompanied by an adult.**
- 15. Children under 18 shall be permitted in the first floor restaurant.**
- 16. All training relating to the sale of alcohol 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. An external area shall be designated for the use of smokers from 23:00 until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times. A plan showing the location of this area shall be provided to Licensing Team within 7 days.**
- 18. A member of staff (which may include a door supervisor) shall monitor the car park at regular intervals during the 30 minutes prior to the premises closing time on Friday and Saturday nights to ensure customers leave the car park quietly.**
- 19. All external doors and windows to be kept closed but not locked during regulated entertainment except for access and egress.**
- 20. A minimum of two registered door supervisors shall be employed on the ground floor of the premises on Friday and Saturday nights from 21:00 until 30 minutes after closing or until the last customers has left.**
- 21. A tamper proof noise limiting device shall be installed and permanently maintained in good working order within the premises. The device shall automatically control the volume of all amplified live and recorded music at the venue at all times in line with the agreed Noise Management Plan.**
- 22. Prominent, clear and legible notices shall be displayed at all public exits from the premises and in the car park requesting customers to respect the needs of local residents and leave the premises and area quietly.**
- 23. All visiting performers providing live or recorded music at the premises shall be briefed prior to events taking place with regard to the premises licence conditions relating to noise and the use of the sound limiter. They must sign a booking form / protocol confirming they have been informed of and understand the terms of use. These booking forms / protocols must be kept for six months and must be made available to an authorised officer of the Council or police, upon request. If regular performers are employed this can be done on a monthly basis with times and dates being specified on the booking form / protocol.**
- 24. No speakers shall be positioned anywhere on the ground floor that has a glass roof.**

- 25. No speakers shall be positioned in the outside areas.**
- 26. A Dispersal Policy, to be provided to the local police and local authority, shall be implemented forthwith and an up-to-date copy shall be provided to the local authority.**
- 27. A Noise Management Plan detailing the maximum sound levels permitted at the premises and measures taken to achieve that (as defined in the acoustic report dated 7-9-10 authored by Mr Gosling) to be implemented by 7 October 2010. A copy to be provided to the local authority within 7 days. Any amendment to be notified to the Local Authority:**
- 28. 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, including the car park and all floor areas open to the public; (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) Cameras must capture a minimum of 16 frames per second; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police or authorised local authority employees will have access to images at any reasonable time; (15) 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.**
- 29. The duties of staff will include the supervision of persons leaving and entering the premises to ensure that this is achieved without causing nuisance to local residents.**
- 30. The beer garden shall not be used after 23:00 except for access / egress to the premises and by those using the designated smoking area.**
- 31. A written or electronic 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.**

32. 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.

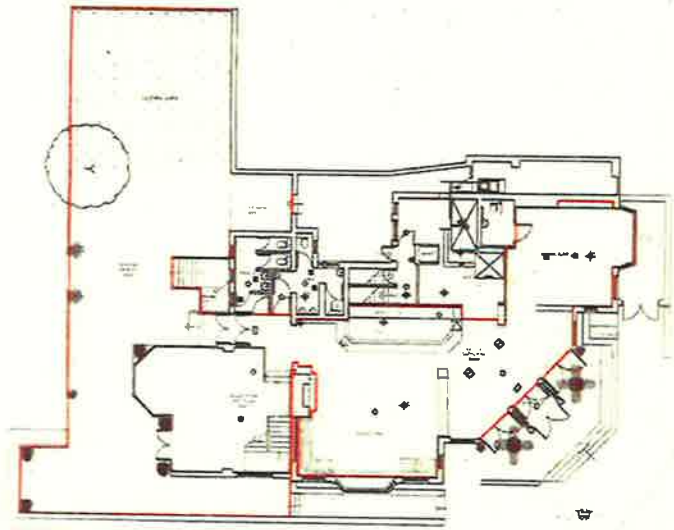
33. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.

34. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately half hourly from 20:00 until close, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for one year. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

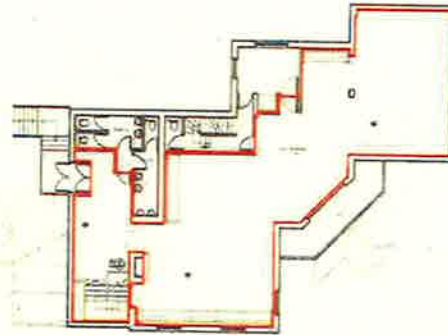
35. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 22:00 and 08:00.

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

Not applicable



PROPOSED GROUND FLOOR LICENSING PLAN SCALE 1:100
 AREA = 346M²
 3724FT²



PROPOSED FIRST FLOOR LICENSING PLAN SCALE 1:100
 AREA = 134M²
 1442FT²

Area for licensable activities

THESE PLANS ARE THE PROPERTY OF THE ARCHITECT AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
 DATE: 2011.11.14
 DRAWING NO: 1001-01

KEY TO LAYOUT

- FD30S Fire Door with self-closing device
- FD20S Fire Door with self-closing device
- FRG Fire Resisting Glazing
- Clear Glass with wedge panels
- FDKS Fire door keep-alive sign
- FDKLS Fire door keep-alive shut sign
- ☐ Illuminated 'Emergency Exit' sign
- ☐ Reversible Directional 'Emergency Exit' sign
- Emergency lighting (non-maintained) recessed
- sign to be covered by fire extinguisher
- sign to be covered by fire extinguisher
- Fire alarm break glass point
- Fire alarm sounder
- △ W. Water Extinguisher
- △ F. Foam Extinguisher
- △ D. Dry Powder Extinguisher
- △ Fire Blanket
- △ Wet Chemical
- Soling Speaker
- ☒ Egress Memento to raise w/c



LOCATION PLAN SCALE 1:1250

the jadedesign partnership
 ARCHITECTS & INTERIORS AND PLANNING DESIGNERS

STAR PUBS AND BARS LTD

47/48/49/50/51/52/53/54/55/56/57/58/59/60/61/62/63/64/65/66/67/68/69/70/71/72/73/74/75/76/77/78/79/80/81/82/83/84/85/86/87/88/89/90/91/92/93/94/95/96/97/98/99/100/101/102/103/104/105/106/107/108/109/110/111/112/113/114/115/116/117/118/119/120/121/122/123/124/125/126/127/128/129/130/131/132/133/134/135/136/137/138/139/140/141/142/143/144/145/146/147/148/149/150/151/152/153/154/155/156/157/158/159/160/161/162/163/164/165/166/167/168/169/170/171/172/173/174/175/176/177/178/179/180/181/182/183/184/185/186/187/188/189/190/191/192/193/194/195/196/197/198/199/200/201/202/203/204/205/206/207/208/209/210/211/212/213/214/215/216/217/218/219/220/221/222/223/224/225/226/227/228/229/230/231/232/233/234/235/236/237/238/239/240/241/242/243/244/245/246/247/248/249/250/251/252/253/254/255/256/257/258/259/260/261/262/263/264/265/266/267/268/269/270/271/272/273/274/275/276/277/278/279/280/281/282/283/284/285/286/287/288/289/290/291/292/293/294/295/296/297/298/299/300/301/302/303/304/305/306/307/308/309/310/311/312/313/314/315/316/317/318/319/320/321/322/323/324/325/326/327/328/329/330/331/332/333/334/335/336/337/338/339/340/341/342/343/344/345/346/347/348/349/350/351/352/353/354/355/356/357/358/359/360/361/362/363/364/365/366/367/368/369/370/371/372/373/374/375/376/377/378/379/380/381/382/383/384/385/386/387/388/389/390/391/392/393/394/395/396/397/398/399/400/401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000/1001/1002/1003/1004/1005/1006/1007/1008/1009/1010/1011/1012/1013/1014/1015/1016/1017/1018/1019/1020/1021/1022/1023/1024/1025/1026/1027/1028/1029/1030/1031/1032/1033/1034/1035/1036/1037/1038/1039/1040/1041/1042/1043/1044/1045/1046/1047/1048/1049/1050/1051/1052/1053/1054/1055/1056/1057/1058/1059/1060/1061/1062/1063/1064/1065/1066/1067/1068/1069/1070/1071/1072/1073/1074/1075/1076/1077/1078/1079/1080/1081/1082/1083/1084/1085/1086/1087/1088/1089/1090/1091/1092/1093/1094/1095/1096/1097/1098/1099/1100/1101/1102/1103/1104/1105/1106/1107/1108/1109/1110/1111/1112/1113/1114/1115/1116/1117/1118/1119/1120/1121/1122/1123/1124/1125/1126/1127/1128/1129/1130/1131/1132/1133/1134/1135/1136/1137/1138/1139/1140/1141/1142/1143/1144/1145/1146/1147/1148/1149/1150/1151/1152/1153/1154/1155/1156/1157/1158/1159/1160/1161/1162/1163/1164/1165/1166/1167/1168/1169/1170/1171/1172/1173/1174/1175/1176/1177/1178/1179/1180/1181/1182/1183/1184/1185/1186/1187/1188/1189/1190/1191/1192/1193/1194/1195/1196/1197/1198/1199/1200/1201/1202/1203/1204/1205/1206/1207/1208/1209/1210/1211/1212/1213/1214/1215/1216/1217/1218/1219/1220/1221/1222/1223/1224/1225/1226/1227/1228/1229/1230/1231/1232/1233/1234/1235/1236/1237/1238/1239/1240/1241/1242/1243/1244/1245/1246/1247/1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Application for a premises licence to be granted under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I/WE Star Pubs & Bars Limited (Insert name(s) of applicant) apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 - Premises Details

Postal address of premises or, if none, ordnance survey map reference or description The Winchmore (formerly Willow) 235 Winchmore Hill			
Post Town	London	Postcode	N21 1QA
Telephone number at premises			
Non-domestic rateable value of premises		£49,500	

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

- | | | |
|----|--|---|
| | | Please tick yes |
| a) | an individual or individuals | <input type="checkbox"/> please complete section (A) |
| b) | a person other than an individual | <input type="checkbox"/> please complete section (B) |
| | i. as a limited company | <input checked="" type="checkbox"/> please complete section (B) |
| | ii. as a partnership | <input type="checkbox"/> please complete section (B) |
| | iii. as an unincorporated association or | <input type="checkbox"/> please complete section (B) |
| | iv. other | |
| | (for example a statutory corporation | <input type="checkbox"/> please complete section (B) |
| c) | a recognised club | <input type="checkbox"/> please complete section (B) |
| d) | a charity | <input type="checkbox"/> please complete section (B) |
| e) | the proprietor of an educational | |

SECOND INDIVIDUAL APPLICANT (if applicable)

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

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name Star Pubs & Bars Limited
3-4 Broadway Park South Gyle Broadway Edinburgh
Registered number (where applicable) SC250925
Description of applicant (for example, partnership, company, unincorporated association etc.) Company
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

Day		Month		Year			
1	1	0	4	2	0	1	5

If you wish the licence to be valid only for a limited period, when do you want it to end?

Day		Month		Year			
1	1	1	1	1	1	1	1

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

The premises operates as a public house with external drinking area.

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

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

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

Provision of regulated entertainment

- | | Please tick yes |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <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 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 late night refreshment (if ticking yes, fill in box I)

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

In all cases complete boxes K, L and M

E

Live music Standard days and timings (please read guidance note 6)			<u>Will the performance of live music 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"/>
Mon	09:00	23:00	<u>Please give further details here</u> (please read guidance note 3)	Both	<input type="checkbox"/>
Tue	09:00	23:00			
Wed	09:00	23:00	<u>State any seasonal variations for the performance of live music</u> (please read guidance note 4)		
Thur	09:00	23:00			
Fri	09:00	24:00	<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) New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	09:00	23:00			
Sun	09:00	23:00			

F

Recorded music			<u>Will the playing of recorded music take place indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Standard days and timings (please read guidance note 6)				Outdoors	<input type="checkbox"/>
Day	Start	Finish	Both	<input type="checkbox"/>	
Mon	09:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09:00	23:00			
Wed	09:00	23:00	<u>State any seasonal variations for the playing of recorded music</u> (please read guidance note 4)		
Thur	09:00	23:00			
Fri	09:00	24:00	<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) New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Sat	09:00	23:00			
Sun	09:00	23:00			

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	09:00	23:00	<u>Please give further details here</u> (please read guidance note 3)		
Tue	09:00	23:00	<u>State any seasonal variations for the performance of dance</u> (please read guidance note 4)		
Wed	09:00	23:00	<u>Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 5) New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.		
Thur	09:00	23:00			
Fri	09:00	24:00			
Sat	09:00	23:00			
Sun	09:00	23:00			

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

J

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"/>
Day	Start	Finish		Off the premises	<input type="checkbox"/>
Mon	09:00	23:00	State any seasonal variations for the supply of alcohol (please read guidance note 4)	Both	<input checked="" type="checkbox"/>
Tue	09:00	23:00			
Wed	09:00	23:00			
Thur	09:00	23:00		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) New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.	
Fri	09:00	24:00			
Sat	09:00	23:00			
Sun	09:00	23:00			

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

Name Andrew Cochrane
Address Yew Tree House Leafgreen Lane Littleover Derby DE23 2TZ
Personal Licence number (if known) PA10551522
Issuing licensing authority (if known) Derby City Council

K

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

L

Hours premises are open to the public			State any seasonal variations (please read guidance note 4)
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	<p><u>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list</u> (please read guidance note 5)</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.</p>
Mon	08:00	00:30	
Tue	08:00	00:30	
Wed	08:00	00:30	
Thur	08:00	00:30	
Fri	08:00	00:30	
Sat	08:00	00:30	
Sun	08:00	00:30	

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

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

Please see attached proposed conditions.

b) The prevention of crime and disorder

c) Public safety

d) The prevention of public nuisance

e) The protection of children from harm

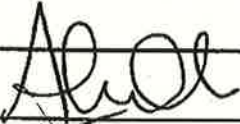
Please tick yes

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

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

Part 4 – Signatures (please read guidance note 10)

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

Signature	
Date	16/3/15
Capacity	Solicitor

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

Signature	
Date	
Capacity	

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

Andrew Cochrane
 Flint Bishop LLP
 St. Michael's Court
 St. Michael's Lane
 Derby
 DE1 3HQ

Telephone number (if any) 01332 226142

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

andrew.cochrane@flintbishop.co.uk

Conditions

1. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.
2. An alarm system shall be installed operated and maintained at the premises.
3. Toilets at the premises shall be periodically checked for any sign of drugs use.
4. The car-park shall be locked no later than 30 minutes after closing time to prevent members of the public parking in the car park after the premises has closed.
5. Litter bins and wall mounted ashtrays shall be provided outside the premises.
6. Staff shall actively discourage patrons from congregating around the outside of the premises, except in the designated smoking area, after 23:00.
7. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated.
8. The premises shall operate a proof of age scheme and display the relevant material. Only passport, photographic driving licences and ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.
9. Children under 18 years shall only be permitted on the premises up until 21:00 and if they are accompanied by an adult.
10. All training relating to the sale of alcohol 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.
11. An external area shall be designated for the use of smokers from 23:00 until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times. A plan showing the location of this area shall be provided to Licensing Team within 7 days.
12. A member of staff (which may include a door supervisor) shall monitor the car park at regular intervals during the 30 minutes prior to the premises closing time on Friday and Saturday nights to ensure customers leave the car park quietly.
13. All external doors and windows to be kept closed but not locked during regulated entertainment except for access and egress.
14. Prominent, clear and legible notices shall be displayed at all public exits from the premises and in the car park requesting customers to respect the needs of local residents and leave the premises and area quietly.
15. All visiting performers providing live or recorded music at the premises shall be briefed prior to events taking place with regard to the premises licence conditions relating to noise and the use of the sound limiter. They must sign a booking form /

protocol confirming they have been informed of and understand the terms of use. These booking forms / protocols must be kept for six months and must be made available to an authorised officer of the Council or police, upon request. If regular performers are employed this can be done on a monthly basis with times and dates being specified on the booking form / protocol.

16. No speakers shall be positioned anywhere on the ground floor that has a glass roof.
17. No speakers shall be positioned in the outside areas.
18. A Dispersal Policy, to be provided to the local police and local authority, shall be implemented forthwith and an up-to-date copy shall be provided to the local authority.
19. 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, including the car park and all floor areas open to the public; (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) Cameras must capture a minimum of 16 frames per second; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police or authorised local authority employees will have access to images at any reasonable time; (15) 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.
20. The duties of staff will include the supervision of persons leaving and entering the premises to ensure that this is achieved without causing nuisance to local residents.
21. The beer garden shall not be used after 23:00 except for access / egress to the premises and by those using the designated smoking area.
22. A written or electronic 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.
23. All staff shall receive induction and refresher training (at least every twelve months) relating to the sale of alcohol and the times and conditions of the premises licence.
24. 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.

25. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately half hourly from 20:00 until close, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for one year. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
26. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 22:00 and 08:00.

From: Nikki Rennie [mailto:nikki.ennie@flintbishop.co.uk]

Sent: 24 April 2015 11:12

To: Ellie Green

Subject: 5th EMAIL TO AGENT: 214096207 The Winchmore, 235 Winchmore Hill Road, LONDON, N21 1QA.

Dear Ellie

Thank you for your email. I apologise for the confusion caused regarding the email. I have received email confirmation this morning that our client is agreeable to the contents of your email of this morning and the conditions attached.

Should you require anything further or any further clarification please do not hesitate to contact me.

Kind regards

Nikki

Nikki Rennie

PA

DDI: 01332 226 151

Fax: 0870 191 8678

nikki.ennie@flintbishop.co.uk

www.flintbishop.co.uk

Flint Bishop LLP

St. Michael's Court

St. Michael's Lane

Derby

DE1 3HQ

DX: 729320 DERBY 24

Tel: 01332 340 211 ext: 400

Fax: 01332 207 601

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Please consider the environment before printing this e-mail.

From: Ellie Green [mailto:Ellie.Green@Enfield.gov.uk]

Sent: 24 April 2015 10:34

To: Karen Cochrane; Nikki Rennie

Subject: 5th EMAIL TO AGENT: 214096207 The Winchmore, 235 Winchmore Hill Road, LONDON, N21 1QA.

Dear Karen and Nikki,

Thank you for your email this morning. I can confirm I did receive your email on 21st April. I understood that the final written confirmation formally amending the application with reduced hours would be sent following the residents meeting.

The meeting took place last night, and I believe it went well, mainly because your clients confirmed to the residents that they have formally reduced their hours.

For absolute clarification, please could you now confirm that your client agrees to amend the application to reduce the hours sought for licensable activities in accordance with the hours set out below?

	Recommended Times – daily
Live Music	09:00 - 23:00
Recorded Music	09:00 - 23:00
Performance of dance	09:00 - 23:00
LNR	Nil
Supply of Alcohol	10:00 - 23:00 (both on and off supplies)
Opening Hours	09:00 - 23:30

Furthermore, please can you also confirm that all the conditions (as attached) are agreed.

May I remind you that should your client agree to the above times and conditions, the representations from the Metropolitan Police Service and the Licensing Authority shall be withdrawn.

I will write to all the residents to ask whether they will withdraw their representation in light of this agreement, following your confirmation in writing.

I look forward to hearing from you as soon as possible.

Kind regards,

Ellie

Ellie Green

Principal Licensing Officer

Licensing Team

London Borough of Enfield

☎ 020 8379 8543 (Tel)

☎ 020 8379 8506 (Fax)

✉ ellie.green@Enfield.Gov.uk

Protect The Environment – Think Before You Print

~~Person~~
IP1

23.3.15

MR R. Acock.

3 WOODBURY PARK RD

NBI 15D

0208 886 7694

Dear Sir

Again I have read a notice on Willow Pub White Rd - stating they would like to have music Sat to Thurs 9 AM to 23-00 with a extension to 000 Friday

I live at the side of the pub 25ft away so I don't want music all day. My neighbour at No 1 lives even closer with babies!

I have enclosed two photocopies of newspapers the reason why the Tenant had to close the pub because of noise and refused extensions.

If the pub is given the extension today we will still have the customers out there till

2

2 AM shouting, revving cars
and slamming car doors.

Yard Society
Pfeck

Post

LONDON BOROUGH OF ENFIELD
RECEIVED
26 MAR 2015
ENVIRONMENT &
STREET SCENE

PHAR TUR
SUR

Winchmore Hill ADVERTISER & Herald

WEDNESDAY SEPTEMBER 21 2011

Visit our website at www.enfield-today.co.uk

BITTER BLOW

Opening hours cut as pub loses licence review appeal

By Lee Husson

A WINCHMORE HILL pub has lost a fight to keep its late licence after magistrates upheld the council's decision to scale back its opening times.

From now on, Willow, in Winchmore Hill Road, will be forced to close its doors at 11pm on Friday and Saturday nights after residents complained about loud music from the bar and noise from customers leaving, including shouting, screaming, and car horns.

The case was originally brought before Enfield Council in a review of Willow's licence in September last year after residents complained about revellers leaving the bar and restaurant at its 12.30am closing time. The review set new conditions for licensees Phidias and Simis Kouttis to move the closing time back to 11pm over the weekend.

They appealed against the decision, but their case was dismissed at Enfield Magistrates' Court.

Agreeing with the council's licensing committee's decision, judge Tim Daber said: "The local authority has demonstrated itself to



Noisy neighbour: Complaints were made about patrons of Willow, in Winchmore Hill Road

have taken a proportionate response. It may be that limiting the hours will not abate the problems completely, but it will bring dispersal problems forward to a time before many residents have retired to bed.

"Residents have for a long time been used to having a public house in the area, but not a late-night

entertainment venue. I am unable to say that the licensing authority was wrong. Indeed, while I am not required to go this far, it seems to me on the evidence I have heard that it was right."

The judge also awarded the council £21,000 in costs.

Chris Bond, Enfield Council's

cabinet member for environment, said: "This decision is a victory for the council's right to defend residents' quality of life.

"Pubs, clubs and restaurants must recognise their neighbours' right to sleep and, if they won't, we will step in and protect the community from unnecessary noise and disturbance."

D MAIL NOV 16TH 2008

1P1(2)

Pub music noise ban to curb binge drinking

By Tom Harper

THE Government's latest proposal to combat Britain's binge-drinking epidemic is to turn down the volume of music in pubs and bars.

Landlords could be forced to outlaw all entertainment louder than 70 decibels - roughly the same as a hairdryer - to curb alcohol-fuelled violence and anti-social behaviour.

A Labour taskforce has been persuaded by research which showed that loud music in pubs made customers buy more alcohol and drink it faster.

At present, there is no set noise level for licensed premises, the only stipulation being that if pubs want to host live bands, they must make a formal application to the local council.

But researchers found that deafening music speeds up drinking patterns by

Louder sounds lead to heavier consumption

drowning out conversation and arousing the brain.

When sound levels were louder, the average number of drinks ordered by customers rose from 2.6 to 3.4. The time taken to drink a small beer also fell from 14 to 11 minutes, according to the study by France's University of South Brittany.

But pubs claim a limit on noise would put an end to televised sports events and comedy nights and leave jukeboxes barely audible.

Mark Hastings, of the British Beer & Pub Association, said: 'There is absolutely no evidence to suggest a link between music and binge-drinking.'

'This move is akin to a sledgehammer cracking a nut - the Government already has the power to put whatever conditions it chooses on any individual licence. That would target the problem venues rather than banning music, dancing, comedy and entertainment for everyone.'

The news follows a warning to a

Commons select committee last week by Feargal Sharkey, frontman of Eighties band The Undertones and now chief executive of British Music Rights. He said stricter licensing laws are making it increasingly difficult for smaller venues to obtain live music licences.

The taskforce also proposes meetings twice a year between licensees and the police. But the industry estimates this would run to 400,000 meetings a year and take up 33,000 police working days.

The measures could either be enshrined in new legislation or used to amend the 2003 Licensing Act.

The annual cost of hospital treatment for alcohol-related problems has now reached £2.7 billion and more than 40 per cent of all crime is linked to drink.

Since the extension of drinking hours, the number of youngsters treated for alcohol abuse has soared by 40 per cent.

Shadow Home Secretary Dominic Grieve said: 'This is a desperate attempt - the Government should concentrate on getting the basics right. Putting police on the street and enforcing the laws already in place would do more to combat alcohol-fuelled disorder.'

The document makes no mention of minimum pricing for drink, despite Government-backed research showing that cheap supermarket deals are linked to binge-drinking. Last year, The Mail on Sunday revealed that some stores were selling beer more cheaply than water.

Other moves being considered are a ban on pub promotions, such as free drinks for women, happy hours and the sale of cocktails with suggestive names such as Sex On The Beach.

The draft code also proposes cigarette-style health warnings about the dangers of alcohol to be displayed in shops, bars and restaurants.

The Home Office said: 'This document is a draft and should not be taken as an indication of Government policy. Ministers have yet to take any final decisions.'

PLEASE
TURN
OVER

IP2



ASHWOOD LODGE MANAGEMENT CO.LTD.
9 ASHWOOD LODGE
1 HOUNSDEN ROAD
N21 1ND



April 2nd 2015



The Licensing Team
London Borough of Enfield
B Block Nth. POBox 57
Civic Centre Silver St.
Enfield EN1 3XH

Dear Sirs

Re: The Winchmore (Willow) 235 Winchmore Hill Rd. N21 1QA

Further to my telephone conversation yesterday with Charlotte Palmer I am writing to you on behalf of the residents of Ashwood Lodge to lodge our objection to the proposed extended licensing hours to 00.00 midnight on Fridays to include music to that hour.

I would refer you to the previous problems we experienced with the landlords of the Willow which were the subject of a hearing on 8th/9thSeptember 2011 in Enfield Magistrates Court at which time District Judge Daber upheld the council were correct to reduce the hours to 11.pm with the last person having to leave the premises by 11.30pm.

May I suggest you contact Catriona McFarlane in Legal Services for a copy of Judge Daber's full ruling regarding licensed premises hours in residential areas.

Yours faithfully,

W.Clayman (Chairman)

Undersigned by:- A.Brinton(Flat 1) Mr&Mrs V.Kumar(Flat 2) MrsS.Helman(Flat 3)
Mrs B.Baxter(Flat 4)MrM. Levy(Flat6)Mr&Mrs K. Stanton(Flat7) K.Kemal(Flat8)
MrsL.F.Clayman(Flat9)

Gill Aylott

From: Angie Allin on behalf of Licensing
Sent: Wednesday, April 08, 2015 10:12 AM
To: Gill Aylott
Subject: FW: The Willow Pub [SEC=UNCLASSIFIED]

IP7

Classification: UNCLASSIFIED

-----Original Message-----

From: Prabha Patel [mailto:prabha_tb@hotmail.com]
Sent: 07 April 2015 19:08
To: Licensing
Subject: The Willow Pub

We strongly object for the extending licence to open till midnight, as we live within few yards from it. (Flat 21, Chesterfield Lodge, 9 Church Hill, N21 1LW). There will be a lot of disruption for parking and noise.

There are many elderly residents in the building.

So please consider this matter seriously.

From, Dr. & Mrs. T.B.Patel

Sent from my iP

Classification: UNCLASSIFIED

IP 12

Attention: London Borough of Enfield Council Licensing Department

PO Box 57,
Civic Centre B Block North
Silver Street,
Enfield
EN1 3XH

7th April 2015

Dear Licensing Department

Re: Application for a new premises license – The Willow, Winchmore Hill Road, London, N21 1QA

I am writing to register my objection to the application for a premises license by Star Pubs & Bars Ltd for The Willow, Winchmore Hill Road, London, N21 1QA. The basis for this opposition is that granting a license for these premises will not promote the licensing objectives, particularly the Prevention of Public Nuisance.

We currently reside at **1 Eversley Park Road, London, N21 1JD**, which is the property directly next door to The Willow, and share a wall with the establishment. We have had serious issues in the past with noise levels emanating from the premises. This was not a case of low level background noise where we could hear the bass or certain beats, this is where we could recognise all the songs including lyrics long in to the night. We had to have your Environmental Health Officers around on several occasions in order to try and solve the issue as I'm sure your records will show.

At times it was an extremely difficult situation living at home when The Willow was playing music, but now we have a 19 month old son and if the levels of noise were to return to previous levels it would become almost unbearable. Our Son would not have the luxury we did of staying up until the music ended, trying to use ear plugs, or even leaving the House for the night. At similar levels it would be impossible for him to sleep and would seriously affect his quality of life.

These are old buildings and not designed to contain modern levels of sound and vibration. There either needs to be a significant decrease in the music levels allowed, or the building needs to be equipped with suitable sound proofing to prevent noise escaping.

This excessive noise coupled with anti social behaviour that has been highlighted in previous licence reviews, including the case of late licence that was revoked, I would urge the Licensing Authority to refuse the application.

Yours faithfully,



Jonathan Screeney & Ania Martin



Angie Allin

From: andys drv <andysdrv@googlemail.com>
Sent: 13 April 2015 00:04
To: Licensing
Subject: Willow/Winchmore Pub - Late Night Licence Application

IPI4

From: Mr Andreas Demetriou

18 Houndsden Road

Winchmore Hill

London N21 1LT

Hello. I am writing in regards to the Willow which I understand is soon to reopen as Winchmore Pub. The pub is located at the end of Winchmore Hill Road, which is only 100 meters walk from my home. It is my understanding that the tenants have applied for a late night licence for Friday night and I would like to express my concerns about this for your consideration.

My main worry is excessive noise at night from the pub and its visitors. This has been cause for concern for many years as the pub is located in a dense residential area. In the past I have also seen bottles, glasses and litter being left on resident's front walls by late night pub goers. This type of littering is very hazardous for the children in our neighbourhood, and seems to be more of an issue late at night when people seem to feel more free to litter under the cover of darkness.

I feel on balance it is perhaps better not to grant a late night licence in view of the pub's location. Many thanks for your time.

Andreas Demetriou.

Angie Allin

From: NASREDDINE MANSOURI <atlasmansouri@gmail.com>
Sent: 12 April 2015 16:46
To: Licensing
Subject: Opposition to late night licensing (the Willow in Winchmore Hill Road)

IP20

To whom it may concern,

RE: Late night licensing for the Willow in Winchmore Hill Road

We would like to let you know that we are totally opposed to idea of late licence for the Willow pub in Winchmore Hill Road.

We had a previous bad experience with the same pub namely noise from the customers staying late, parking illegally on pavement and blocking the road, using the horns, throwing rubbish on our cars or front gardens even knocking on resident's doors for the fun of it and the list is long...

We hope that our voices as residents are taken into consideration.

Thank you for your attention.

KInd regards,

Nasreddine Mansouri
Tomoko Mansouri
32 Eversley Park Road
Winchmore Hill
N21 1JU
atlasmansouri@gmail.com



Angie Allin

From: Helen Panayiotou <helenpanay4791@yahoo.co.uk>
Sent: 11 April 2015 18:55
To: Licensing
Subject: Objection against late licence for Willow Pub in Winchmore hill

Dear Sir/Madam,

I have recently been made aware that the new tenants of the Willow Pub in Winchmore Hill are applying for a late license for Fridays and Saturdays.

I am therefore objecting to this as this is a quite residential area and this is the main reason I recently moved here. I am aware that that this was a problem a few years back with the levels of noise pollution and night disturbances with drunkards leaving the pub so late. This is the reason why my sister moved away.

I therefore ask that this licence be closely looked at as many local residents are feeling very unhappy about this.

Kind regards

Helen Panayiotou
Tel.no: 07789419762

[Sent from Yahoo Mail for iPhone](#)

IP311

Gill Aylott

From: Helen Panayiotou <helenpanay4791@yahoo.co.uk>
Sent: Saturday, April 11, 2015 7:11 PM
To: helenpanay4791@yahoo.co.uk; Licensing
Subject: RE: Objection against late licence for Willow Pub in Winchmore hill

Sent from Yahoo Mail for iPhone

Dear Sir/Madam,

I have recently been made aware that the new tenants of the Willow Pub in Winchmore Hill are applying for a late license for Fridays and Saturdays.

I am therefore objecting to this as this is a quite residential area and this is the main reason I recently moved here. I live just across the road so this would directly affect me. My address is: 250 Winchmore hill road, London N21 1QR. I am aware that that this was a problem a few years back with the levels of noise pollution and night disturbances with drunkards leaving the pub so late. This is the reason why my sister moved away.

I therefore ask that this licence be closely looked at as many local residents are feeling very unhappy about this.

Kind regards

Helen Panayiotou
Tel.no: 07789419762

Sent from Yahoo Mail for iPhone

**Angie Allin**

From: Rachel Chrisostomou <rachel25chris@gmail.com>
Sent: 13 April 2015 09:54
To: Licensing
Subject: Objecting to a late licence

Hi my name is Rachel Chrisostomou I live at 254a Winchmore Hill Road London N21 1QR.

I am writing this email to say that I live directly opposite the the willow pub and I am very concerned that the pub is re-opening and they would like to apply for a late licence for a Friday and Saturday. I object to this, as I had a lot of trouble from when the pub was open last. There were fights. I even had people urinating in my front garden. I would find empty glasses sometimes smashed on my wall at the front of my driveway. I even saw people running round the roundabout naked!! This to me is not accepted. This is a very nice area it's not a high street where people can hang out until all hours. My parents also live next door to me.

Mr and Mrs Chrisostomou 254 Winchmore Hill Road. They are elderly and retired. They do not need all this stress they want to enjoy peaceful nights and not have to worry about about drunken people hanging out in front of there driveway until early hours. It was a circus last time there was a late licence. Please stop this from happening.

If you have any further queries with any of the above. Please do not hesitate to call/email me.

Thank you.

Kind regards

Rachel Chrisostomou

07944805280

Sent from my iPhone

Gill Aylott

From: areti woods <areti.woods@yahoo.co.uk>
Sent: Monday, April 13, 2015 4:09 PM
To: Licensing
Subject: Re: The Winchmore/Willow pub

I have just had a visit from another two of my neighbours without email and who aren't able to visit the council offices today in person as they are disabled - they have also asked me to email you on their behalf.
Kind regards
Areti Woods

Mr Jeremy Rabin, 2 Chesterfird Lodge, Church Hill, N21
Mrs Betty Tindall, 3 Chesterfird Lodge, Church Hill, N21

IP 38
IP 39

We both each wish to lodge our very strong objections to the application for the late license till midnight on Fridays for the Willow/Winchmore Pub. The noise and disruption which will result from customers leaving at such a late time is not acceptable in this residential area. The customers also regularly park in our parking spaces which are private to Chesterfield Lodge and then the noise, disturbance and litter made by these people leaving is a public nuisance. The music from the pub at this time can be heard a long way off.

Yours faithfully

Mr Jeremy Rabin
and
Mrs Betty Tindall

From: areti woods <areti.woods@yahoo.co.uk>
To: "licensing@enfield.gov.uk" <licensing@enfield.gov.uk>
Sent: Monday, 13 April 2015, 15:38
Subject: The Winchmore/Willow pub

I am sending this on behalf of my neighbours without email access. Please can you confirm receipt of this objection.
Regards
Areti Woods

=====
Celia and Leslie Glodek, No 20 Chesterfird Lodge, Church Hill, N21

I am aghast at the application for the extended license at the Winchmore pub and we are both dreading the noise, the dirt and broken bottles as well as the cars parked in our private drive which would result from the extended hours. The parked cars in Chesterfield Lodge not only cause a nuisance by taking up our parking spaces, but we are then disturbed by the noise of people leaving at such a late hour, banging car doors, drunken laughter, and shouting as well as the debris that is left behind by these customers, as well as the vomit we find on the walls. The extended hours will disturb our quiet, lovely environment.

We are both very much against the application and would like to lodge an objection to the extended hours.

Yours faithfully
Celia and Leslie Glodek

IP 42

Rose McMurray

From: Licensing
Subject: FW: Willow / Winchmore Pub N21 - Objection to application for late-night licence

From: Anne Brown [<mailto:anniebee33@aol.com>]
Sent: 13 April 2015 23:57
To: Licensing
Subject: Willow / Winchmore Pub N21 - Objection to application for late-night licence

Dear Sirs

My family and I have lived at 6 Church Hill, N21 for over 27 years, opposite the pub known most recently as the Willow. I understand that it is to re-open as the Winchmore and am disturbed to learn that the owners have applied for a licence to open late on Fridays and possibly Saturdays.

I wish to formally object to any extension of standard opening hours.

Over the years there have been a number of instances of nuisance and anti-social behaviour originating from the premises and affecting ourselves and our neighbours. A year or so before the Willow closed, I remonstrated with a man urinating in the middle of the street around midnight or later (closing time then) and was verbally abused.

Car parking and noise - especially in summer - have also been a problem.

I cannot remember a time when the pub was operated as a 'local' and as an amenity for residents of the area - it seems to be an exclusively commercial concern for patrons from outside the immediate area.

Given that the area is exclusively residential apart from these premises, I submit that an extension beyond 11pm is inappropriate.

Yours faithfully

Anne Brown
6 Church Hill
London N21 1JB

The Winchmore - WK/ 214096207**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.**
- 3. Where the licence includes a condition that individuals are required to carry out any security activity at specified times at the premises each individual must be licensed by the Security Industry Authority.**

Annex 2 - Conditions consistent with the Operating Schedule

- 4. 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.**
- 5. An alarm system shall be installed operated and maintained at the premises.**
- 6. The car-park shall be locked no later than 30 minutes after closing time to prevent members of the public parking in the car park after the premises has closed.**
- 7. Litter bins and wall mounted ashtrays shall be provided outside the premises.**
- 8. Staff shall actively discourage patrons from congregating around the outside of the premises, except in the designated smoking area, after 23:00.**
- 9. At least six prominent, clear and legible notices shall be displayed throughout the premises, including all toilets warning customers that drug use will not be tolerated**
- 10. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences and ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 11. Children under 18 years over shall only be permitted on the premises up until 21:00 and if they are accompanied by an adult.**
- 12. A member of staff (which may include a door supervisor) shall monitor the car park at regular intervals during the 30 minutes prior to the premises closing time on Friday and Saturday nights to ensure customers leave the car park quietly.**

13. All external doors and windows to be kept closed but not locked during regulated entertainment except for access and egress.
14. Prominent, clear and legible notices shall be displayed at all public exits from the premises and in the car park requesting customers to respect the needs of local residents and leave the premises and area quietly.
15. All visiting performers providing live or recorded music at the premises shall be briefed prior to events taking place with regard to the premises licence conditions relating to noise and the use of the sound limiter. They must sign a booking form / protocol confirming they have been informed of and understand the terms of use. These booking forms / protocols must be kept for six months and must be made available to an authorised officer of the Council or police, upon request. If regular performers are employed this can be done on a monthly basis with times and dates being specified on the booking form / protocol.
16. No speakers shall be positioned anywhere on the ground floor that has a glass roof.
17. No speakers shall be positioned in the outside areas.
18. A Dispersal Policy, to be provided to the local police and local authority, shall be implemented forthwith and an up-to-date copy shall be provided to the local authority.
19. 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, including the car park and all floor areas open to the public; (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) Cameras must capture a minimum of 16 frames per second; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police or authorised local authority employees will have access to images at any reasonable time; (15) 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.

20. The duties of staff will include the supervision of persons leaving and entering the premises to ensure that this is achieved without causing nuisance to local residents.
21. A written or electronic 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.
22. 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.
23. 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.
24. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately half hourly from 20:00 until close, whilst regulated entertainment is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for one year. Records must be made available to an authorised officer of the Council or police, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
25. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 22:00 and 08:00.
26. Toilets at the premises shall be checked for any sign of drug use every two hours from 19:00 until closing time. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.
27. An external area shall be designated for the use of smokers from 22:00 until closing time. There shall be no more than 10 persons using this designated area during these times. The designated area shall be adequately supervised by staff to control the number and behaviour of patrons so as to not cause noise nuisance. Notices shall be displayed in the area specifying the terms of its use and asking patrons to respect the needs of local residents and to use the area quietly. No alcoholic drinks or glass containers shall be taken into the designated smoking area during these times. A plan showing the location of this area shall be provided to Licensing Team within 7 days.
28. The seating in the external area to the front of the premises shall not be used after 19:00.
29. The external area at the rear of the premises shall not be used after 22:00 except for the designated smoking area.

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

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MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
13 May 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : Hertford Food Centre, 236 Hertford Road, ENFIELD, EN3 5BL.</p> <p>WARD : Enfield Highway</p>	

1 **LICENSING HISTORY & CURRENT POSITION:**

- 1.1 A new premises licence (LN/200600789) was issued to **Mr Sefer Govtepe**, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22nd February 2007.
- 1.2 A new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to **Mr Sefer Govtepe**, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13th August 2008.
- 1.3 The premises licence (LN/200800470) was **revoked** on 13th July 2011 following a review application (relating to the sale of non-duty paid alcohol) submitted by Trading Standards.
- 1.4 Premises licence (LN/200600789) was **surrendered** at the review hearing on the same date as the plan was no longer accurate.
- 1.5 A new premises licence (LN/201100396) was issued on 6th September 2011 naming the Premises Licence Holder and Designated Premises Supervisor (DPS) as **Mr Suleyman Erdogan**.
- 1.6 **The current Premises Licence permits:**

Hours the premises are open to the public : Sunday to Saturday from 08:00 to 01:00

Supply of alcohol (off supplies only): Sunday to Saturday from 08:00 to 01:00

- 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 (LN/201100396) is attached as Annex 02.

2 THIS APPLICATION :

- 2.1 On 10th March 2015 application was made by the **Licensing Authority** for the review of the Premises Licence (LN/201100396).
- 2.2 The review application relates to the prevention of crime and disorder licensing objective and is made because:
 - 2.2.1 On 12th March 2014 non-duty paid alcohol was found on the premises,
 - 2.2.2 On 24th February 2015 non-duty paid alcohol and tobacco was found on the premises.
 - 2.2.3 The Premises Licence Holder of the former premises licence, **Mr Sefer Govtepe** is a business partner of the current Premises Licence Holder, **Mr Suleyman Erdogan**.
- 2.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of the review application is attached as Annex 03.
- 2.7 A copy of the additional information is attached as Annex 04.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Representation is made, on the grounds of the prevention of crime and disorder, in support of the review application. The authority agrees that it is appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence.
- 3.2 A copy of the representation is attached as Annex 05.

4 PROPOSED LICENCE CONDITIONS:

- 4.1 The Licensing Authority has proposed a number of conditions to form part of the premises licence, if the outcome of the review does not result in revocation. **These conditions have not been agreed by the Premises Licence Holder.**
- 4.2 A copy of the proposed conditions is attached in Annex 06.

5 RELEVANT LAW, GUIDANCE & POLICIES:

5.1 The paragraphs below are extracted from either :

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

5.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or

5.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles :

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

5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

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

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

5.4.1 the Council's licensing policy statement; &

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

Review :

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

5.6 A number of reviews may arise in connection with crime that is not directly connected with licensable activities, for example the sale of contraband goods. The Sub-Committee does not have the power to judge the criminality or otherwise of any issue. The Sub-Committee's role is to ensure the promotion of the crime prevention objective [Guid s.11.24].

5.7 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These include the use of the premises for the sale or storage of smuggled tobacco and alcohol [Guid s.11.27].

5.8 Where reviews arise in respect of these criminal activities and the Sub-Committee determines that the crime prevention objective is being undermined, it is expected that revocation of the licence – even in the first instance – should be seriously considered [Guid s.11.28].

Decision :

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

5.9.1 to modify the conditions of the licence;

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

5.9.3 to remove the designated premises supervisor

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

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

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

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green on 020 8379 8543



Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201100396

Part 1 – Premises Details

Postal address of premises :

Premises name :	Hertford Food Centre
Telephone number :	020 8804 9554
Address :	236 Hertford Road Enfield EN3 5BL

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 : 08:00 - 01:00
Monday : 08:00 - 01:00
Tuesday : 08:00 - 01:00
Wednesday : 08:00 - 01:00
Thursday : 08:00 - 01:00
Friday : 08:00 - 01:00
Saturday : 08:00 - 01:00 |
| (2) | Supply of Alcohol - Off Supplies
Sunday : 08:00 - 01:00
Monday : 08:00 - 01:00
Tuesday : 08:00 - 01:00
Wednesday : 08:00 - 01:00
Thursday : 08:00 - 01:00
Friday : 08:00 - 01:00
Saturday : 08:00 - 01:00 |

Part 2

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

Name : Mr Suleyman Erdogan

Telephone number : Not provided

e-mail : Not provided

Address : 256A Hertford Road, Enfield, EN3 5BL

Registered number of holder (where applicable) :

Not applicable

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

Name : Not applicable

Telephone number :

Address :

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

Name : Mr Suleyman Erdogan

Telephone number : Not provided

e-mail : Not provided

Address : 256A Hertford Road, Enfield, EN3 5BL

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/201100192

Issuing Authority : London Borough of Enfield

Premises Licence LN/201100396 was first granted on 6 September 2011.

Signed

.....
for and on behalf of the

London Borough of Enfield

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

Telephone : 020 8379 3578

Date : 6th September 2011



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. Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.
5. The premises must 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.
6. 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 they can be read by those leaving the premises.
7. Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.
8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
9. Deliveries will not be made to the premises between the hours of 22:00 and 06:00.
10. Deliveries shall not cause a noise nuisance to local residents.
11. Stock control shall be introduced, so that the licensee can identify when/where alcohol goods were purchased.
12. If any spirits bought by the Company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards and HMRC as soon as possible.

13. A digital CCTV system must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time, and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

14. If the premises remain open after 01:00, a Raid Control system must be installed and procedures carried out : (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training carried out and signed and dated by those receiving it; (5) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

15. At least two members of staff shall be present on the shop-floor of the premises between 22:00 and 01:00.

16. 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.

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

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

19. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.

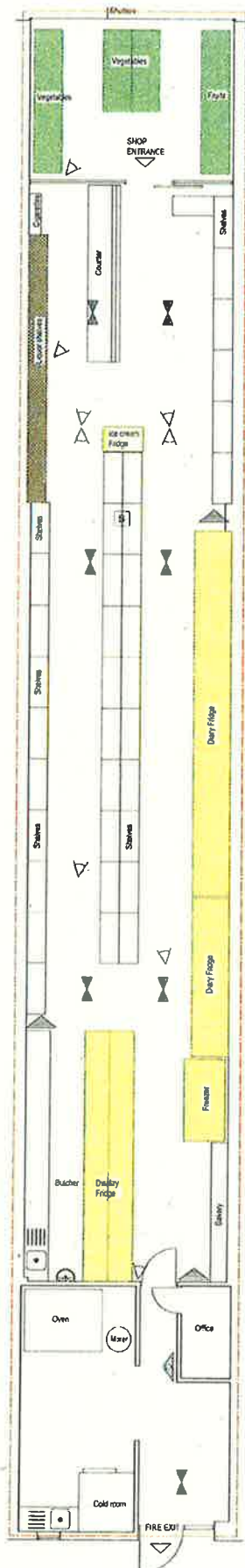
20. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. These records shall be made available to the Police, Local Authority and/or HMRC upon request and shall be kept for at least one year. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable; (4) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within five working days of the request.

21. An ultra violet light will be used at the store to check the authenticity of all stock which bears a customs stamp as soon as practical after they have been purchased.

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

Not applicable

Annex 4 – Plans



LEGEND

- FRIDGES
- VEGETABLES & FRUITS
- LIQUOR SHELVES
- AMBIT OF LICENSED PREMISES
- SAFETY LIGHTS
- SMOKE DETECTOR
- CCTV
- 2 kg CARBON DIOXIDE FIRE EXTINGUISHER
- 6 kg POWDER FIRE EXTINGUISHER

HERTFORD FOOD CENTRE 238 HERTFORD ROAD ENFIELD, LONDON EN3 5BL

PROPOSED GROUND FLOOR PLAN

SCALE : 1/100@A3 DATE : 20/05/08

REF. NO : O200508

ACT 2003
90 Green Lanes LONDON
N16 9EJ

Tel : 020 7241 3636(4line)
www.act2003.com

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Charlotte Palmer Licensing Enforcement Officer

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

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description	
Hertford Food Centre, 236 Hertford Road	
Post town	Post code (if known)
Enfield	EN3 5BL

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

Number of premises licence or club premises certificate (if known)
LN/201100396

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 3965
E-mail address: charlotte.palmer@enfield.gov.uk

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

Please tick one or more boxes

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

**Please state the ground(s) for review:** (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling non duty paid alcohol and tobacco.

This review is primarily based on the prevention of crime and disorder, licensing objective. **The review application is to revoke the premises licence in its entirety.**

Background Information:

Please provide as much information as possible to support the application (please read guidance note 2)

Complaint and Visit History of Premises

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

A further new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to Mr Sefer Govtepe, as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13/08/2008.

LN/200800470 was revoked on 13/07/11 following a review application (relating to the sale of non-duty paid alcohol) being submitted by Trading Standards – **See Appendix 1 and 2**

LN/200600789 was surrendered at the review hearing as it could not be used as the plan was no longer accurate.

A new premises licence application was submitted on 14/07/11 naming the Premises Licence Holder and Designated Premises Supervisor (DPS) as Mr Suleyman Erdogan. There did not appear to be any evidence to link Mr Erdogan with the premises under the old licence and a new licence was granted. Trading Standards did however make representation in relation to times and conditions – **see Appendix 3.**

Many of the same issues that lead to the previous revocation have reoccurred at this premises and it has become apparent that the previous Premises Licence Holder / DPS is still the owner of this premises and has admitted buying non-duty paid products to sell in this premises.

02/12/11 – 22:20 – 22:45 – Out of Hours Licensing Enforcement Officers (JF/CLB) visited the premises to carry out a full licence inspection with PLH / DPS. Several areas of non-compliance.

Condition 12/21 - New UV light needed as one on the premises was not working when tested.

Condition 16 - Refusals book not being used

C17/18 - Training book on premises not being used, reminded to carry out refresher training with all staff.

Whilst being on the premises officers witnessed an attempted age related sale by three females, which was refused. When they left the officers reminded the PLH to place the occurrence in the refusals book. As he did not appear to know what to do the officers showed him what to do.

13/12/12 – 09:20 – 09:30 (JF) Revisit inspection with PLH / DPS to check outstanding conditions. All Compliant

15/05/12 - Trading Standards responded to an allegation that the premises were selling grey import of Dove Essential Nutrients that can cause burns. Premises were non-compliant and 20 Dove cream cleansers were seized and signed over for destruction.

26/11/13 – Trading Standards received a complaint alleging that the premises was selling Lithuanian cigarette, alcohol and meat.

12/03/14 - Trading Standards & HMRC joint visit to check for counterfeit/duty diverted products.

Seized counterfeit back labels on 73 bottles:

5 x Smirnoff Vodka 100cl

5 x Smirnoff Vodka 70cl

10 x Famous Grouse 70cl

15 x High Commissioner 100cl

5 x High Commissioner 70cl

10 x Bells 70cl

3 x Barcardi 100cl

14 x E&J Brandy 70cl

1 x Wyborowa 700ml

1 x Wodka Zoladkowa 700ml

1 x Gorzka 700ml

1 x Sobieski 700ml

1 x De-lux Zoladkowa 700ml

1 x Gorzka 700ml

22/05/14 – Trading Standards received police intelligence that the premises were selling counterfeit alcohol and cigarettes and under aged sales.

23/05/14 – 13:05 – 13:30 - Full licence inspection carried out.

Condition 4: Fire exit not clear & bins obstructing exit

Condition 17: Refresher training not carried out every 3 months. Last recorded refresher training was carried out in May 2013.

Condition 21: Ultra violet light not available on premises.

Officers also advised on poster Condition 6 - leave quietly poster to be moved to where those leaving the premises can read it.

23/05/14 – Trading Standards age related sales test purchase carried out. Male volunteer aged 16 years and 66 days attempted to purchase alcohol. The sale was refused.

29/05/14 - Trading Standards received a further allegation that the owner called Sefer (surname not known by informant) of the Hertford Food Store, 236 Hertford Road, Enfield EN35BL sells imported tobacco and alcohol. The informant stated that the cigarettes and alcohol are from Poland and that the owner also sells to underage persons.

02/06/14 - Multi-agency operation involved Trading Standards, HMRC Living Wage and Immigration Enforcement. The premises were compliant on matters of interest to HMRC Living Wage and Immigration Enforcement. Trading Standards checked licence conditions. Condition 21 – ultra violet light was not available. The premises were provided with an Inspection Report and given 7 days to comply.

24/06/14 - 22.13 - 22.23 Out of Hours Licencing Enforcement Officers visited the premises to check outstanding conditions. Condition 21 ultra violet light equipment not available at time of inspection.

01/07/14 – Trading Standards received a complaint alleging that the premises was selling duty diverted and counterfeit products.

22/07/14 - Trading Standards age related sales test purchase carried out. Female volunteer aged 15 years 169 days Cigarettes and alcohol – no sale.

15/8/14 - 20:40 – Licensing Enforcement Officer (NJ) visited the premises and carried out a licence inspection. Unable to check Condition 13: CCTV present but not accessible. Condition 17 and 18 - Staff training records not available for inspection and therefore no proof of training taking place. Condition 20 - No sales receipts for alcohol. Several bottles checked using a UV device, no counterfeit found. Two packets of non-duty paid cigarettes seized.

15/08/14 – Non duty paid tobacco test purchase attempt - no sale made.

09/09/14 – A warning letter was sent to the premises licence holder in relation to the alcohol found at the premises in March 2014. The letter stated:

'Having carefully considered the facts of the case, Trading Standards have decided not to take any formal action against you on this occasion.

However, you should take this letter as a warning as to your future conduct. Should similar matters be brought to our attention again, it is unlikely that we shall adopt such a lenient approach'.

24/02/15 – 10:52 - 11:35 - A Licensing Enforcement Officer (CPX), two HM Revenue and Customs Officers and an Officer and dog from Operation Wagtail visited the premises to check for any counterfeit or non-duty paid tobacco or alcohol. Three non-duty paid bottles of vodka were seized along with 93 packets of Marlboro Gold cigarettes (20 cigarettes per packet), 1 Marlboro Red cigarettes (20 cigarette per packet) and 7 x 50g Golden Virginia hand rolling tobacco. All of the tobacco was found concealed in a set of drawers. The drawers appeared to contain bags of plastic bags but the dog indicated that there was something there and once a wooden panel (a false bottom to the drawers) was pushed back the tobacco was found. There were two drawers like this. **See Appendix 4 – Photos** When questioned under caution a male called Sefer Govtepe claimed to own the premises. He said that his cousin was the licence holder. Sefer Govtepe admitted that he had bought the tobacco and had originally bought 20 boxes of cigarettes, each containing 10 packets of 20 (he had therefore already sold more than half of what he had bought). He also admitted that he had built and installed the drawers containing the cigarettes. Before leaving the Licensing Enforcement Officer advised him that a licence review would be submitted and that this matter could lead to the licence being revoked. The officer noted that a Think 21 poster was on display, posters advising customers not to buy alcohol for children on display, Part B on display, No ID no sale poster on display, alcohol zone poster on display, leave quietly poster on display, CCTV signage on display.

27/02/15 - A letter was hand delivered to the premises inviting the premises licence holder in for a meeting.

03/03/15 – Licensing Enforcement Officer Charlotte Palmer and Police Licensing Officer Martyn Fisher held a meeting with the Premises Licence Holder – Mr Suleyman Erdogan. Also in attendance was Mr Sefer Govtepe and Ms Umit Yigit who they had brought along as a translator. During the meeting Mr Govtepe confirmed that he and Mr Erdogan are business partners and cousins and that the company they run is called Hertford Food Centre Limited. Mr Govtepe confirmed that he is the Director and that Mr Erdogan use to be the director of the company. Mr Govtepe claimed that the 3 bottles of vodka were given to him but that he didn't want them so put them on sale. He was advised that further visits would probably be made to the shop and to ensure that there was nothing else on sale which shouldn't be. He stated that it had all been taken. He went on to say that it had been a genuine mistake but also commented that it was because 'everything was so expensive'. Charlotte Palmer stated that they obviously knew it was wrong otherwise it would not have been hidden in secret drawers. The officers explained that a review application would be submitted and that all of the paperwork would be addressed to Mr Erdogan as the premises licence holder. He was strongly advised to get independent legal advice.

04/03/15 – Company information was checked on the Companies House website. This confirms that Mr Sefer Govtepe is the current Director and Mr Suleyman Erdogan was the director until 20/05/14. **See Appendix 5.**

Cumulative Impact Policy (CIP):

These premises are located in the Enfield Highway Cumulative Impact Policy Area.

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 – 24:00

The current licensed hours for this premises are:

08:00 – 01:00 Mon – Sun

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Conclusion:

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises have been found to be selling alcohol with counterfeit back labels in March 2014, non-duty paid cigarettes in August 2014 and non-duty paid alcohol and tobacco in February 2015. A previous licence has already been revoked in 2011 for similar offences. The previous licence holder and the current licence holder are business partners so the previous history of the premises is relevant to this case. Despite already having lost one licence the same illegal activity has continued to take place at this premises resulting in the Licensing Authority having no confidence in those running the premises.

The Licensing Authority therefore recommends that this licence be revoked.

Suggested additional condition:

If the Licensing Committee does not deem it necessary to revoke the licence in its entirety I would recommend the hours be reduced in line with the Cumulative Impact Policy, the DPS be removed from the licence, the licence be suspended for or 3 months and the following conditions be attached to the premises licence:

- A Personal Licence holder is to be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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

Suspension of Licence:	N
Revocation of Licence:	Y

Recommended period of suspension (max 3 months):

The conditions attached to the premises licence already include most of the conditions that the Licensing Authority would seek for an off licence premises.

There is a significant history of illegal activity at this premises.

Having regard to all this information, and taking into account the DCMS guidance that, this leaves little option other than for the Licensing Authority to seek total revocation of the premises licence.

The Secretary of State believes that the sale of smuggled alcohol should be treated particularly seriously and that where licence reviews are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.

Please tick yes

Have you made an application for review relating to this premises before Yes

If yes please state the date of that application

Day Month Year
 10th May 2011

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

Eleanor Green, Trading Standards, review application submitted and licence revoked July 2011. The prevention of crime and disorder, the prevention of public nuisance and the protection of children from harm. The review was submitted on the ground that the premises had been found selling non duty paid alcohol. Premises licence holder and DPS was Sefer Govtepe at that time.

New premises licence application submitted by Suleyman Erdogan in July 2011 and Trading Standards representation made by Eleanor Green recommended strengthening conditions and reduced hours. Granted.

Please tick yes

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

IT IS AN OFFENCE, 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
 (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature:

Date: 10th March 2015

Capacity: Licensing Enforcement Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.



LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Hertford Food Centre
236 Hertford Road
Enfield
EN3 5BL

Type of Application: Review of Premises Licence

This document includes additional information, not previously mentioned in the review application. It also includes all Officer Observations and Inspections carried out since the review was submitted on 10th March 2015:

20/05/14 – A letter was sent to the premises setting out the new updated Mandatory Licence Conditions. At the end of the list of conditions was advice from Trading Standards stating:

'You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person'. **See Appendix 6.**

08/04/15 – The Premises Licence Holder / DPS attended a meeting at his request with his agent, Barrister and council officers. They provided officers with travel documents claiming that the PLH/DPS was out of the country when the officers visited the premises and seized good in February 2015 however the documents showed that he flew to Istanbul on 11th January and returned to London on 22nd February (6 week trip). The visit by officers was made on 24th February 2015 and the PLH / DPS was seen at the premises during the visit. The Licensing Act 2003 does not require the DPS to be at the premises every day but the guidance does suggest they normally have day to day responsibility for running the premises (section 4.18). At no point during this or any other conversation with officers has the PLH/DPS claimed that he was unaware that non-duty paid goods were being sold at the premises.

24/4/15 - 22:55 hours – Licensing Enforcement Officers (EVG/CLB) visited the premises and carried out a full licence inspection with Mr Suleyman Erdogan (Designated Premises Supervisor) Areas of noncompliance. C13 (14) CCTV does not hold records for 31 days. Staff advised officers that the system is new and claimed it did not yet hold 31 days of footage. Staff were unable to supply invoices for the last months alcohol purchases. The officers requested copies of these be provided. Inspection report completed. Given 14 days to comply.

A copy of the warning letter sent on 09/09/14 which is referred to in the review application is attached as **Appendix 7**.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

A handwritten signature in cursive script that reads "Palmer".

Signed:

Date: 27/04/2015

**Application for the review of a premises licence or club premises certificate
under the Licensing Act 2003**

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

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

I Ellie Green, Principal Trading Standards Officer - Licensing Enforcement

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

Part 1 – Premises or club premises details

Hertford Food Centre

Postal address of premises or, if none, ordnance survey map reference or description	
236 Hertford Road	
Post town Enfield	Post code (if known) EN3 5BL.
Name of premises licence holder or club holding club premises certificate (if known)	
Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ.	
Number of premises licence or club premises certificate (if known)	
LN/200800470	

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A) below)

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

Please tick

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

**Current postal
address if
different from
premises
address**

Post town

Post Code

Daytime contact telephone number

**E-mail address
(optional)**

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Ellie Green Enfield Trading Standards (Weights and Measures) London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH
Telephone number: 020 8379 8543
E-mail address: ellie.green@enfield.gov.uk

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

Please tick one or more boxes

- | | |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety | |
| 3) the prevention of public nuisance | x |
| 4) the protection of children from harm | x |

Please state the ground(s) for review: (please read guidance note 1)

Enfield Trading Standards is seeking a review of the premises licence on the grounds that the premises has been found to be selling non duty paid alcohol. The premises also has a history of offences breaching the Licensing Act 2003, namely breaching conditions.

This review is primarily based on the prevention of crime and disorder licensing objective, but also supports the protection of children from harm and prevention of public nuisance licensing objectives.

The review application is to revoke the premises licence.

Background Information:

A new premises licence (LN/200600789) was issued to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 22/2/2007.

A further new premises licence application was made in June 2008 as the premises had extended the licensable area. The premises licence (LN/200800470) was issued again to Mr Sefer Govtepe, 43 Merlin House, 2 Napier Road, Enfield, EN3 4QJ as both the Premises Licence Holder (PLH) and Designated Premises Supervisor (DPS) on 13/08/2008.

To date LN/200600789 has not been surrendered although it cannot be used as the plan is no longer accurate. Trading Standards are also seeking to revoke this licence in a separate application.

Please provide as much information as possible to support the application
(please read guidance note 2)

History of Premises

The history of the premises will include information under the LN/200600789 as it is exactly the same person named on the licence, and therefore relevant to this application.

9/4/08 – Complaint alleging noise disturbance from deliveries being made late at night until early morning to the premises' storage at number 232 Hertford Road. The Enviro Crime Officer advised Mr Sefer Govtepe with assistance from an employee Besime Koker, as Mr Govtepe was unable to fully understand English. Mr Govtepe denied these allegations.

9/6/08 – Complaint received alleging shop sells out of date food and alcohol to underage children. Food officers visited and identified food displayed for sale beyond the use by dates. Advice was given.

11/8/08 – LBE became aware that the Fire Service had served a Fire Improvement Notice on the premises.

7/11/08 – Food officers checked for counterfeit vodka, none found.

12/12/08 – Licensing Enforcement officers visited premises to carry out a full compliance inspection, and spoke to Mr Govtepe. The following conditions were found to be in breach: 6 – Insufficient raid control and training; 10 - Leave quietly sign not next to exit; 11 - No refusals book; 13 - Training records need to be kept for all staff; 15 - Drinking control signs required. 21 days were given to bring breaches into compliance, and an inspection report with advice was issued.

02/01/09 - Revisit carried out to check outstanding licence, however Mr Govtepe was not on the premises and staff requested a re-visit when manager there as they do not know where records are kept. Officers noted out of date meat in the fridge and had it removed from sale.

10/01/09 – Revisit carried out to check outstanding licence conditions. The following conditions were found to be in breach: 6- raid control not in place but officers told it was on order; 13 - no training records; 11 - refusals book on site but not been used.

19/01/09 – Complaint received that the premises stays open all night, and that they also use 232 Hertford Road as storage. The storage doors are continuously opened and closed using shutters, which are very noisy and caused the complainant to lose sleep.

05/02/09 – As part of the Trading Standards Tobacco project, cigarettes were tested for authenticity – no problems found. Checked outstanding licensing conditions, the following were found to be in breach: 13 - training records unavailable; 11 - refusals book available but no entry since 10/1/09.

06/03/09 - Checked outstanding licensing conditions, 11 and 13 still found to be in breach. A warning letter was sent to the premises.

22/06/09 – Complaint received that raw meat from the premises is disposed of into the commercial waste bin, and creating unpleasant smells. Officers visited and established this was a problem, and advice was given.

06/08/09 – Complaint alleging that the disposal of raw meat continues to be a problem. Officers visited and saw that the raw meat was still disposed of into the commercial waste bin, and the premises was given a verbal warning.

24/08/09 – The LBE alcohol training material was sent to the premises.

28/08/09 – Complaint alleging noise disturbance from deliveries to the premises, very early in the morning.

16/10/09 – Police received information that the staff at the premises give out fake £1 coins in change and sell fake packets of rizzla. Trading Standards visited and advised. A selection of Rizla papers were purchased in order to be tested, and results showed they were genuine.

18/12/09 – Food officers visited the premises to check for counterfeit spirits. 5 x 70cl suspect counterfeit Glen's vodka found on shelf behind serving counter, and were seized under the Trade Marks Act. A formal sample was taken from one bottle and the owner of the business, Mr Sefer Govtepe, was served with a seizure notice. He said that he bought the Glen's from Dhamecha in Crown Road about a month ago. The officer informed him that he would be asked to produce invoice.

18/05/10 – Full compliance check carried out. The outstanding conditions were: 11 – no refusals book; 13 – no training records; 15 – no drinking control sign. All relevant material issued to Mr Govtepe.

03/06/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.

11/08/10 – An attempted test purchase of alcohol using an underage Trading Standards volunteer was refused.

26/11/10 – Complaint relating to overflowing bins at premises, and leaving overflow of rubbish which attracts rats. The waste contract was cancelled due to non payment of fees, and council officers identified the premises rubbish in residential bins. Advice given to Mr Govtepe.

24/01/11 – Information received from Enviro Crime Officer who suspected possible duty free cigarettes were being sold from under the counter in the premises. The officer witnessed the cashier serve a customer items from under the counter making sure they were in a black bag, which was closed.

01/02/11 - Trading Standards, the Police and Her Majesty's Revenue and Customs (HMRC) carried out joint visits to premises in the borough to see if non duty paid alcohol or tobacco were being sold. The visits were only made to premises with EN postcodes as the HMRC team that was involved in the operation only cover those addresses in the borough. The list was compiled using intelligence from both Trading Standards and HMRC. HMRC identified the following products as being non duty paid in Hertford Food Centre: 33.75 litres of assorted wines and 39.45 litres of assorted spirits were seized. These products were seized by HMRC. The revenue on these goods seized is £449.60.

Additionally, the premises next door but one, Internet Service, 232 Hertford Road, Enfield, EN3 5BL and its storage was also checked, as it is owned by Mr Govtepe. 235.2 litres of Vodka, 121.5 litres of various wines, 109.2 litres of Brandy and 41.7 litres of other sprits were seized as they were also identified as non duty paid. The revenue due on the goods seized at Internet Service is £5,401.40.

No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided.

11/02/11 – As a result of the recent seizures, a full licence inspection was attempted at the premises, however, the only person present at the premises could not understand the officers, so the inspection did not take place.

14/02/11 – Further information from the same Enviro Crime Officer: that the premises and internet cafe continues to sell tax free cigarettes. The owners at these two premises are also linked to Hertford Discount Store on the same parade, and that there are more storage units at the rear of all these premises.

18/02/11 – Officers visited premises to carry out the licence inspection, and met with Mr Mehmet Govtepe, employee, however on the officers' arrival, he indicated that he was Mr Sefer Govtepe, the PLH and DPS. Conditions found to be in breach were: 5 - CCTV clock was 50 minutes later than correct time; No CCTV sign displayed; Monitor had error message 'No HDD Connected'. Mr Mehmet Govtepe could not operate the system so officers were unable to establish whether the CCTV was recording or compliant; 6 - No raid control; 11 - No refusals book; 12 - No training evident; 13 - No training records available. Mr Mehmet Govtepe stated that Mr Sefer Govtepe was on the premises daily. 14 days were given to address the non compliances, and an inspection report with advice was signed by and left with Mr Mehmet Govtepe. Further verbal advice relating to raid control was given by Martyn Fisher, Police Licensing Officer following this visit.

23/02/2011 Revisit to premises carried out as part of joint operation with HMRC, Trading Standards, and the Police. HMRC officers seized 13.6kg of shisha tobacco, and 3.15 litres of various spirits, as they were found to be non duty paid. No receipts were produced for the goods at the time the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided. The goods seized amounted to total duty evaded of £1503.44.

Paul Cumberland from HMRC has produced two statements relating to the said seizures – see Appendix A and B.

11/03/11 – Officers carried out licensing revisit inspection with Mr Sefer Govtepe. The following conditions were still found to be in breach: 6 - Raid Control system not in place fully; 12 - No training carried out; 13 - Training records not completed. An inspection report was left advising a further 21 days to bring the outstanding issues into compliance.

08/04/2011 – Officers carried out licensing revisit. Checked outstanding conditions. Training carried out and records seen. Raid control seems to have been installed - smoke notes seen, there was a box near the door that the owner claimed was a camera but the officers were not 100% convinced, matter referred to police licensing officer.

13/04/11 – Trading Standards attempted a test purchase of cigarettes with child E. The child was asked his age and the sale was refused.

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (ie non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

If the licensing committee is not minded to revoke the premises licence completely, Trading Standards (Weights and Measures) asks that consideration be given to suspend the licence until such time that a vary Designated Premises Supervisor application has been submitted and issued and the Licensing Enforcement Team are confident that all licence conditions are being complied with. Trading Standards do not believe that the current DPS is a suitable person to be named as the DPS, given that non duty paid goods were found on the second visit, after such a short timeframe in between visits, and the history of non compliant conditions. If the licence is not revoked Trading Standards (Weights and Measures) also recommend modifying the times and conditions of the licence, as detailed below, to help to prevent crime and disorder associated with the sale of counterfeit and non-duty paid items on the premises in the future.

Activity	Current Times	Proposed Times
Opening	24 hours daily	07:00 – 23:00 daily
Alcohol	24 hours daily	0:00 – 23:00 daily

No.	Current Condition	TS Agree	Amended to read
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.	Y	
4	An alarm system, to BSEN50131, shall be installed, operated and maintained at the premises.	Y	
5	A digital CCTV must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people	N	A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of

		<p>entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality colour images; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention. Maintenance contracts must be made available to Police on request; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) 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 on request.</p>
6	Y	<p>identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time, and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police and authorised officers of the council will have access to images at any reasonable time; (15) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police and / or authorised officer of the council 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 on request.</p>

	must be fully trained as to Raid Controls use and a signed written record of all training kept. This must be made available to Police or council officers on request; (5) Cash must be minimised in the till and the safe utilised.		
7	Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.	Y	
8	At least 2 members of staff shall be present on the shop-floor of the premises between 22:00 and 06:00.	N	At least 2 members of staff shall be present on the shop floor of the premises at all times the premises are open for licensable activities.
9	The premises must 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.	N	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.
10	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 they can be read by those leaving the premises.	Y	
11	A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.	N	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.
12	All staff must receive induction and refresher training, relating to the sale of alcohol.	N	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 shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.	N	All training relating to the sale of alcohol and times and conditions of the 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	Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.	N	Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00 hours.
15	Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
16	Deliveries will not be made to the premises between the hours of 22:00 and 06:00.	N	Deliveries will not be made to the premises between the hours of 21:00 and 07:00.
17	Deliveries shall not cause a noise nuisance to local residents.	N	Remove – covered by other legislation
Annex 3 Proposed Conditions - additional		Agreed by Applicant	
	The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.		
	The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year. include. Receipts shall show the following details: i) Seller's name and address ii) Seller's company details, if applicable iii) Seller's VAT details, if applicable iv) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within one week of the request.		

	An ultra violet light will be used at the store to check the authenticity of all stock purchased which bears a customs stamp.		
	The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.		
	Waste collections shall not be made from the premises between the hours of 21:00 and 07:00.		
	A personal licence holder is to be present on the premises and supervise the sale of alcohol, throughout the permitted hours for the sale of alcohol.		

The posters, training material, training records and refusals book are all available from Trading Standards.

Trading Standards (Weights and Measures) reserve the right to give evidence on any further incidents relating to breaches of the licensing objectives which may take place at, or in the vicinity of the premises, between the submission of this representation and the hearing or during the time allowed for any appeal proceedings. Additionally, Trading Standards reserve the right to present details of the outcome of any Court hearings between the submission of this representation and the hearing.

Suspension of Licence:	N
Revocation of Licence:	Y
Recommended period of suspension (max 3 months):	
Reasons for Revocation	
<p>A significantly large quantity of non duty paid products has been seized from this premises following numerous complaints alleging that the premises sells illegal tobacco and alcohol. After two seizures within one month, the revenue due on the goods seized totals at £7,354.44.</p> <p>The Secretary of State believes that the sale of smuggled tobacco and alcohol should be treated particularly seriously and that where licence review are submitted and the licensing authority determines that the crime prevention objective is being undermined revocation of the licence, even in the first instance should be seriously considered.</p> <p>There is a continued history of illegal activity at the premises. Advice to compliance has been given on the number of occasions and despite this illegal activity continued. Trading Standards have no confidence in the ability of the PLH/DPS to manage the premises in accordance with the licence and other Trading Standards and HMRC</p>	

requirements.

Please tick yes

Have you made an application for review relating to this premises before No

If yes please state the date of that application

Day Month Year

n/a

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

Please tick yes

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

IT IS AN OFFENCE, 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 3 – Signatures (please read guidance note 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature



Date 10th May 2011

Capacity **Principal Trading Standards Officer - Licensing Enforcement**
Trading Standards (Weights and Measures)

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Post Code
Telephone number (if any)	
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional)	

Appendix A.

WITNESS STATEMENT**ENGLAND AND WALES ONLY**

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

Age if under 18:

(If over 18 insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature: 

Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principal Trading Standards Officer, Environmental Protection & Regulation, London Borough of Enfield, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February and 23rd February 2011 at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5 BL, for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards.

I have examined the reports concerning the visit and can confirm that on the 1st February Officers seized a total of 33.75 litres of assorted wine and 39.45 Litres of assorted spirits, from the owner of the shop Mr Sefer Govtepe as liable to forfeiture by virtue of the Customs & Excise Acts. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The Revenue on the goods seized is £ 449.60

I have examined the reports concerning the visit and can confirm that on the 23rd February Officers seized a total of 13.60 kg Shisha flavoured tobacco and 3.15 litres of various spirits.

The revenue due on the seized goods is £1503.44

The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the Spirits and Wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date: 4th April 2011Signature: 

(signature of witness)

Signature: 

(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Page 1 of 1

ENF681A

12/2009

Appendix B

WITNESS STATEMENT

ENGLAND AND WALES ONLY

(CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; MC Rules 1981, r.27, CP Rules Part 27.1)

Statement of: Paul Terence Cumberland

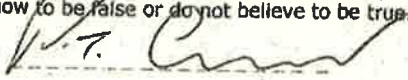
Age if under 18:

(If over 18 insert 'over 18')

Occupation: H M Revenue and Customs

This statement (consisting of 1 page(s) each signed by me is true to the best of my knowledge and belief and I make it knowing that if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Signature:



Date: 4th April 2011

I am an Officer of H M Revenue & Customs based in Haven House, Ipswich, Suffolk, IP4 1DN. In my role as a Law Enforcement Coordinator my duties include being responsible for exchanging information with the Police and other Agencies relating to matters of mutual interest.

I have been asked by Ellie Green, Principle Trading Standards Officer, Enfield Trading Standards, to supply details of inspections made by HM Revenue & Customs Officers, on 1st February 2011 at Internet Café, 232 Hertford Road, Enfield, which is associated to Hertford Food Centre 236 Hertford Road, Enfield EN3 5 BL for the purpose of supporting an action being taken by the Licensing Team at Enfield Trading Standards

I have examined the reports concerning the visit and can confirm that Sefer Govtepe, the owner of Hertford Food Centre was present on the 1st February 2011 when Officers seized a total of 235.2 litres of Vodka, 121.5 Litres of various wines, 109.2 litres of Brandy and 41.7 Litres of other spirits, as liable to forfeiture by virtue of the Customs & Excise Acts, from him. They were satisfied that due to the proprietors inability to produce invoices or receipts to prove duty payment, that United Kingdom Excise Duty had not been paid on said goods.

The revenue due on the seized goods is £5,401.40

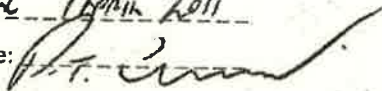
The goods were seized as liable to forfeiture under Customs & Excise Acts.

No notice of claim against the forfeiture was received within the statutory time limit therefore the spirits and wine are condemned as forfeited in accordance with PP5 of schedule 3 to CEMA

Date:

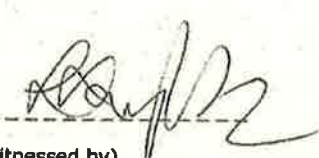
4th April 2011

Signature:



(signature of witness)

Signature:



(signature witnessed by)

STATEMENT OF WITNESS: ENGLAND AND WALES ONLY

Property Index number: «UKEY»



**TRADING STANDARDS (WEIGHTS AND MEASURES) REVIEW APPLICATION:
ADDITIONAL INFORMATION**

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

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

Name and address of premises: Hertford Food Centre,
236 Hertford Road,
Enfield,
EN3 5BL.

Type of Application: Review of Licence (Trading Standards)

The Review Application

I am confident that you have read the report that has been provided to you in relation to this Trading Standards review application.

I would like to take this opportunity to summarise and emphasise the main areas of concern which has led us here today, for the revocation of Hertford Food Centre premises licence.

The report shows that Mr Govtepe, the premises licence holder and DPS has been involved with the premises since 2007, which indicates that Mr Govtepe has had plenty of experience in running an off licence.

However, a number of alleged non compliances have been highlighted in the report.

The premises has breached 7 of their licence conditions on 7 occasions since December 2008, despite advice and warnings being issued, a total of 23 breaches of conditions – which is an alarmingly frequent figure.

One previous seizure of counterfeit alcohol at this premises was carried out by LBE, in 2009.

More recently, two allegations that tax free cigarettes were being sold from the premises, which were actually observed by an LBE Enviro Crime Officer.

As a result of this previous history, on 1st February 2011, the premises was targeted for a visit during the joint operation with Trading Standards, the Police and HMRC. HMRC identified 33.75 litres of assorted wines and 39.45 litres of assorted spirits as being non duty paid, and were subsequently seized by HMRC. The revenue on these goods seized is £449.60.

Additionally, the premises next door but one, Internet Service, 232 Hertford Road, Enfield, EN3 5BL and its storage was also checked, as it is also owned by Mr Govtepe. 235.2 litres of Vodka, 121.5 litres of various wines, 109.2 litres of Brandy and 41.7 litres

Property Index number: «UKEY»

of other spirits were seized as they were also identified as non duty paid. The revenue due on the goods seized at Internet Service is £5,401.40.

Despite all these seizures on 1st February 2011, a revisit was carried out at Hertford Food Centre as a continuation of the joint operation. HMRC officers seized 13.6kg of shisha tobacco, and 3.15 litres of various spirits, as they were found to be non duty paid. The goods seized amounted to total duty evaded of £1503.44.

Paul Cumberland from HMRC has produced two statements relating to these seizures – see Appendix A and B. However to sum up, no receipts were produced for the goods at the time any of the goods were seized. The owners were given 28 days to produce the receipts for the goods seized to prove that they were bought at a wholesaler and that the duty had been paid. That period has now expired and the receipts have not been provided.

The total revenue due on goods for sale by Mr Govtepe is £7,354.44 – an extortionate amount! It raises even further concerns that Mr Govtepe persisted in selling non duty paid goods, even after the first large seizure, when he was fully aware of the law.

However, on 1st June 2011, I received an email from NARTS on behalf of Mr Govtepe, who stated that he will voluntarily impose some of the conditions proposed by Trading Standards in the review application, as from 3rd June 2011. The wording of voluntary conditions were slightly different to those as given by Trading Standards, however, we still believe the wording of our conditions to be appropriate.

Conditions offered:

- 1. No alcoholic goods will ever be purchased from sellers calling to the shop.*
- 2. Invoices (or copies) for all alcoholic goods on the premises will be kept at the shop and made available to officers from the council, police or HMRC upon request.*
- 3. A stock control system will be introduced, so that the licensee can quickly identify where and when alcoholic goods have been purchased.*
- 4. An ultra-violet light will be available at the premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.*
- 5. If any spirits bought by the company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards Department and HMRC as soon as possible.*
- 6. Any alcohol and tobacco purchases will be kept in the stock room and will be checked by the premises licence holder or DPS for compliance of conditions number 2, 3, 4 & 5 stated above.*

On 10th June 2011, licensing enforcement officers were tasked to carry out a check of the current licence and to check whether the voluntary conditions actually had been imposed. The officers spoke to Mr Mehmet Govtepe, part owner, and were able to

Property Index number: «UKEY»

establish that the voluntary conditions offered had been implemented. No other outstanding conditions were established, and officers checked bottles for authenticity – no problems found. Officers saw receipts dated 4, 5 and 10 June 2011 from Dhamecha Foods Ltd, 28 Crown Road, Enfield EN1 1TH that had a list of different alcoholic spirits including vodka, Jack Daniels, whisky and named wine on it. The officers also tested the ultra violet light against a bottle of spirits on the shelf and again, no problems found.

Should the committee be minded to amend conditions, please bear in mind that the Trading Standards review application initially proposed a condition relating to deliveries. In light of the Planning representation, Trading Standards now seek to amend this proposed condition to bring it into line with Planning:

Deliveries and collections to and from the premises shall only take place between the hours of 0800hrs to 1900hrs Monday to Saturday and none at all on Sundays or Bank Holidays.

The report directs us to the Home Office Guidance (11.26) which states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

Home Office guidance (11.27) goes on to say that it is envisaged that responsible authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

The committee may comment that the police did not support the Trading Standards review application. I would like to take this opportunity to remind you that the Home Office Guidance states that the police are the main source of advice on Crime and Disorder matters, but not the only authority. It also states that the police are expected to have a key role in advising premises on the prevention of crime and disorder, but Trading Standards, as a responsible authority, may also take measures to deter criminal activity, it is not restricted to the police only. Therefore we urge you not to give any less consideration in your decision making process as the police did not support the review application on this occasion.

Conclusion:

A significantly large quantity of non duty paid products has been seized from Hertford Food Centre and a related property, not once but twice. There have also been continuous breaches of licence conditions, even after plenty of officer advice. Therefore Trading Standards believe that the crime prevention objective is being seriously undermined, and we are not confident with the current management of the premises that such activities will cease.

Trading Standards therefore believe that it is necessary to revoke the premises licence in its entirety in order to fully support the prevention of crime and disorder licensing objective.

Property Index number: «UKEY»

Old Licence

This is a simple revocation application on the grounds that this licence is out of date in that the plan does not match the layout, therefore cannot be legally used.

Appendix 2.

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



LICENSING SUB-COMMITTEE – 13 JULY 2011

Applications were made by **TRADING STANDARDS SERVICE** for review of the Premises Licences held by **MR SEFER GOVTEPE** at the premises known as and situated at **HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, EN3.**

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be necessary for the promotion of the licensing objectives :

(1) Licence Number LN/200600789 – no step was necessary.

The Chairman made the following statement :

"In the first instance, we will deal with Licence Number LN/200600789. The licence holder and his representative indicated during the hearing that they acknowledge that the licence no longer carries weight, and, as in both the written and verbal representations from Trading Standards, is unlawful. As such, the representative indicated his client's preparedness to surrender this licence with immediate effect. Therefore, the Licensing Sub-Committee has no decision to make."

(2) Licence Number LN/200800470 – to revoke the licence.

The Chairman made the following statement :

"With regard to the current Licence Number LN/200800470, being still in operation, having read and then heard all the evidence, the sub-committee was not persuaded by the arguments given by the licence holder to the case brought by Trading Standards for the review of the licence. The panel has resolved to revoke the licence with immediate effect.

The answers that were provided to a range of questions from all the panel members were both inconsistent and unconvincing, and ran counter to the evidence of and presented by Trading Standards, who, we considered, made its case in full.

Over an extended period of time, dating back to December 2008, Trading Standards officers have made numerous and repeated attempts to assist the licence holder to comply with the conditions of the licence. Full inspection reports were provided, and were signed off on site, and follow-up advice given on all occasions. The advice was not heeded, which was of concern to the sub-committee, especially when bearing in mind that some of the same conditions were repeatedly being breached and not remediated. The first hint of any desire to comply with the licence conditions came forward only in March 2011.

Despite the fact that progress has started to be made by the licence holder, there is insufficient evidence to support this, and the history of the premises shows reluctance to accept, heed, or act upon advice.

The Licensing Sub-Committee was somewhat shocked that the licence holder is continuing to purchase and sell goods from a supplier they allege had supplied them in the past with counterfeit and non duty paid goods. This is in spite of having goods seized on two

occasions during February 2011, where the combined duty value of these goods exceeded £7,000.

Furthermore, the licence holder continued to sell non duty paid goods which he claims HM Revenue and Customs had failed to discover during its raid on 1 February 2011, even though by the time that such sales were made, he must have been aware that the sale of those goods was illegal.

The licence holder, through his representatives, continually asserted that the sub-committee needs to be presented with evidence that the duty was not paid. However, the sub-committee members were not actually presented with any evidence that the duty had been paid. In fact, the panel was shocked that invoices were not routinely kept and / or demanded from the supplier.

The licence holder also failed to demonstrate what steps he took or was taking to ensure he was only purchasing from reputable suppliers.

The Licensing Sub-Committee considered the summary point raised by the licence holder's representative relating to the Guidance at Section 6.7. However, the sub-committee is more persuaded by the guidance points 11.26 and 11.27, and considers that the licensing objective – the prevention of crime and disorder has been seriously undermined by the scale of the seizure of non duty paid goods; and that the licensing objectives have been further undermined by persistent breaches of the licence conditions.

As a result, Licensing Sub-Committee reaffirms that it has resolved to revoke Licence Number LN/200800470, and considers this decision to be both necessary and proportionate for the promotion of the licensing objectives."

Date Notice Sent : 15 July 2011

Signed :



Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343

Appendix 3

ENFIELD
Council

www.enfield.gov.uk

**TRADING STANDARDS (WEIGHTS AND MEASURES) REPRESENTATION**

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

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

Name and address of premises: Hertford Food Centre,
236 Hertford Road,
Enfield,
EN3 5BL.

Type of Application: New Premises Licence

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

Background History:

This is a new application to allow the premises, which is a supermarket to be open and sell alcohol (off sales) for 24 hours daily.

The premises was until recently already licensed for these activities and for these times, however the licence (LN/200800470) was revoked by the licensing committee on 13/7/2011 following a Trading Standards review application. However, on 2nd August 2011, Hertford Food Centre submitted an appeal of this decision to Enfield Magistrates Court. Due to the short period of time between the revocation decision and the new application (14/7/2011), Trading Standards feel that it is necessary to refer to their review application for further background information – see Appendix A. The decision notice is also attached as Appendix B. NB - In this 2015 review these documents are Appendix 1 & 2.

In the new application, the premises licence holder and Designated Premises Supervisor (DPS) are both named as Mr Suleyman Erdogan. Trading Standards are not aware of his involvement with the premises under the old licence.

Since 13/7/11, Council records show no trading standards or licensing complaints in relation to this premises.

The appeal period for the revocation decision expired on 5/8/11. The last date for representations for the new application is 11/8/11. Therefore there is a period when the premises are not lawfully permitted to sell alcohol.

On Tuesday 9th August 2011, an officer (EVG) visited the premises. It was noted that the blue notice was displayed correctly. EVG spoke to Mr Mehmet Govtepe, the person in charge at the premises, and Ms Besime Koker, who interpreted on behalf of Mr Govtepe. Ms Koker stated that she has been an employee at the premises for nearly three years, and that Mr Suleyman Erdogan is the night time manager at the premises,

and has been working there approximately one year. Ms Koker stated she did not know Mr Sefer Govtepe, the named premises licence holder and designated premises supervisor under the revoked premises licence.

Prevention of Nuisance:

The premises is located on a commercial stretch of Hertford Road close to the junction with Green Street. There are many licensed premises in the vicinity including:

- Co-op - alcohol (latest 23:00)
- Hertford Food Centre – alcohol (24 hours)
- Hare Wines - alcohol (latest 23:00)
- Hertford Discount £ Store – alcohol (latest 23:00)
- Highway Supermarket - alcohol (latest 23:00)
- TFC - alcohol (latest 23:00)
- Hare Wines - alcohol (latest 23:00)
- Efe Food and Wine House - alcohol (latest 01:00)
- Sirwan - alcohol (latest 23:00)
- Favourite Chicken and Ribs – LNR (latest 01:00)
- Speedo Pizza – LNR (latest 01:00)
- Akar Kebab – LNR (latest 01:00)
- Mega Pizza – LNR (latest 00:00)
- Sporting Green – alcohol, indoor sporting events, recorded music (latest 01:00), live music, facilities for making music (latest 00:30).
- The Black Horse - alcohol, films, recorded music (latest 03:00), late night refreshment (latest 03:30), facilities for making music, live music, indoor sporting events (latest 01:00)
- The Offy and General Stores – alcohol (latest 01:00)

Residents:

There is a mixture of residential and commercial premises in this location, with residential streets running off Hertford Road. There are also residential premises above some of the shops.

In summary I wish to make representation on the following:

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

I have no objection to the activities applied for. However, I do object in part to the hours applied for, and recommend the following times:

Activity	Applied for Hours	TS Suggested Hours
Open	24 hours daily	08:00 – 01:00 daily
Alcohol (off sales)	24 hours daily	08:00 – 01:00 daily

I would also recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions amend the proposed conditions in Annex 2 as indicated.

	Proposed Conditions – Annex 2	TS Agree	Amended to Read / Suggestion
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.	Y	
4	An alarm system, to BSEN50131, shall be installed, operated and maintained at the premises.	Y	
5	A digital CCTV must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality colour images; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Have a monitor to review images and recorded picture quality; (11) Be regularly maintained to ensure continuous quality of image capture and retention. Maintenance contracts must be made available to Police on request; (12) Have signage displayed in the customer area to advise that CCTV is in operation; (13) Digital images must be kept for 31 days; (14) Police will have access to images at any reasonable time; (15) 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	N	Amend the following section: (14) Police and authorised officers of the council will have access to images at any reasonable time;

	standard computer. Copies must be made available to Police on request.		
6	A Raid Control system must be installed in the premises complying with the following criteria : (1) A time delay safe is fitted under the counter; (2) A separate covert real time camera is fitted above the front door monitoring customers exiting. (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to Raid Controls use and a signed written record of all training kept. This must be made available to Police or council officers on request; (5) Cash must be minimised in the till and the safe utilised.	Y	
7	Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.	Y	
8	At least 2 members of staff shall be present on the shop-floor of the premises between 22:00 and 06:00.	N	At least two members of staff shall be present on the shop-floor of the premises between 22:00 and 01:00. NB. This end time reflects the TS recommendation for the reduction of hours.
9	The premises must 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.	Y	
10	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 they can be read by those leaving the premises.	Y	
11	A written record of refused sales must be kept on the premises and completed when necessary. It must be made available to Police and/or the Local Authority upon request.	N	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.
12	All staff must receive induction and refresher training, relating to the sale of alcohol.	N	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 shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.	N	All training relating to the sale of alcohol and times and conditions of the 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	Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.	Y	
15	Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.	Y	
16	Deliveries will not be made to the premises between the hours of 22:00 and 06:00.	Y	
17	Deliveries shall not cause a noise nuisance to local residents.	Y	
18	No alcohol goods shall be purchased from sellers calling to the shop.	N	The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are

			from a bona fide company.
19	Invoices/Copies for alcohol goods shall be kept at the Premises and will be made available to Officers from the Council, Police or HMRC upon request.	N	The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. These records shall be made available to the Police, Local Authority and/or HMRC upon request and shall be kept for at least one year. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable; (4) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within five working days of the request.
20	Stock control shall be introduced, so that the licensee can identify when/where alcohol goods were purchased.	Y	
21	An ultra-violet light shall be available at the Premises for the purpose of checking the UK Duty Stamp on spirits as soon as practical after they have been purchased.	N	An ultra violet light will be used at the store to check the authenticity of all stock which bears a customs stamp as soon as practical after they have been purchased.
22	If any spirits bought by the Company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards and HMRC as soon as possible.	Y	

	Additional Conditions to be Added In Annex 3	Applicant Agree	
	N/A		

Trading Standards reserve the right to provide further information to support this representation.

If these conditions and hours were accepted in full I WOULD withdraw my representation.

Duly Authorised: Ellie Green, Principal Trading Standards Officer – Licensing Enforcement



Signed:

Date: 09/08/2011

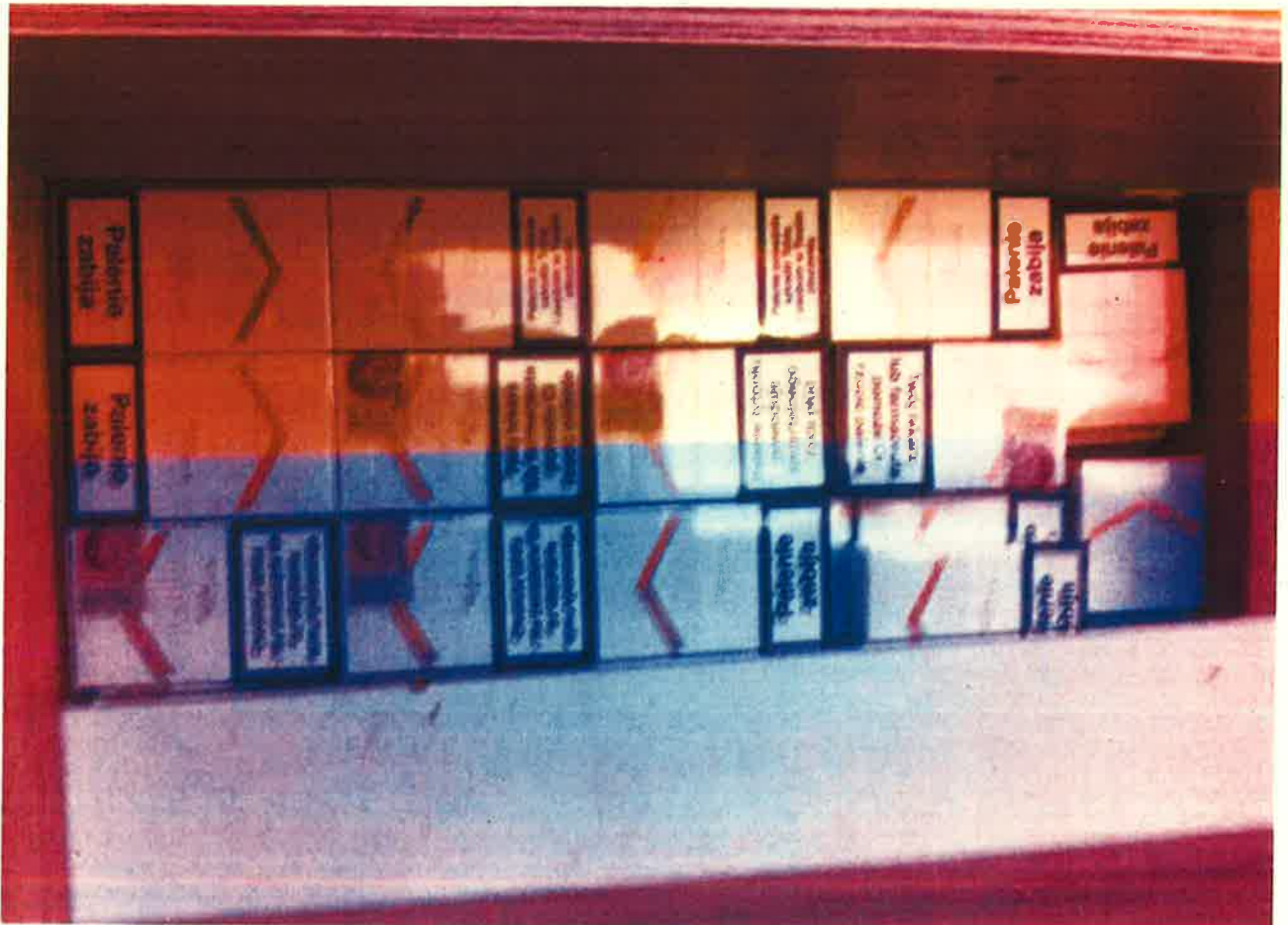
Tel: 0208 379 8543 / ellie.green@enfield.gov.uk













Appendix 5



**Current Appointments Report for:
HERTFORD FOOD CENTRE LIMITED
07216126**

Created: 04/03/2015 16:08:35

Companies House is a registry of corporate information. We carry out basic checks to make sure that documents have been fully completed and signed, but we do not have the statutory power or capability to verify the accuracy of the information that corporate entities send to us. We accept all information that such entities deliver to us in good faith and place it on the public record. The fact that the information has been placed on the public record should not be taken to indicate that Companies House has verified or validated it in any way.

Company Register Information

Company Number:	07216126	Date of Incorporation: 08/04/2010
Company Name:	HERTFORD FOOD CENTRE LIMITED	
Registered Office:	236 HERTFORD ROAD ENFIELD EN3 5BL	
Company Type:	Private Limited Company	
Country of Origin:	United Kingdom	
Status:	Active	
Nature Of Business (SIC):	47240 - Retail sale of bread, cakes, flour confectionery and sugar confectionery in specialised stores	
Number of Charges:	(0 outstanding / 0 part satisfied / 0 satisfied)	

Previous Names

No previous name information has been recorded over the last 20 years.

Key Filing Dates

Accounting Reference Date:	31/03
Last Accounts Made Up To:	31/03/2014 (TOTAL EXEMPTION SMALL)
Next Accounts Due:	31/12/2015
Last Return Made Up To:	08/04/2014
Next Return Due:	06/05/2015
Last members list:	08/04/2014
Last Bulk Shareholders List:	Not available

Current Appointments

Number of current appointments: 1

DIRECTOR:	GOVTEPE, SEFER MR	
Appointed:	01/04/2014	Date of Birth: 10/10/1973
Nationality:	BRITISH	
No. of Appointments:	1	
Address:	236 HERTFORD ROAD ENFIELD UNITED KINGDOM EN3 5BL	
Country/State of Residence:	ENGLAND	

This Report excludes resignations

Recent Filing History

Documents filed since 05/07/2013

DATE	FORM	DESCRIPTION
30/10/2014	AA	31/03/14 TOTAL EXEMPTION SMALL
22/05/2014	AR01	08/04/14 FULL LIST
22/05/2014	LATEST SOC	22/05/14 STATEMENT OF CAPITAL;GBP 20000
20/05/2014	AP01	DIRECTOR APPOINTED MR SEFER GOVTEPE
20/05/2014	TM01	APPOINTMENT TERMINATED, DIRECTOR SULEYMAN ERDOGAN
04/11/2013	AA	31/03/13 TOTAL EXEMPTION SMALL
05/07/2013	AR01	08/04/13 FULL LIST

This Report excludes 88(2) Share Allotment documents



Mr Suleyman Erdogan
256A Hertford Road
ENFIELD
EN3 5BL

Regeneration & Environment

Please reply to : Licensing Team
: PO Box 57
: Civic Centre, Silver Street
: Enfield, Middx. EN1 3XH
Tel: 020 8379 3578
Fax: 020 8379 2190
Minicom: 020 8379 4419
Email: licensing@enfield.gov.uk
My ref: Mandatory Conditions
Your ref: LN/201100396
Date: From 28 May 2014

IMPORTANT – PLEASE READ

THIS LETTER CONCERNS YOUR NEW LEGAL RESPONSIBILITIES AND ANY FAILURE TO ACT ON THESE MATTERS COULD LEAD TO YOUR PROSECUTION

Dear Mr Suleyman Erdogan

Re: Hertford Food Centre, 236 Hertford Road, ENFIELD, EN3 5BL

I refer to your Premises Licence and/or Club Premises Certificate, under the Licensing Act 2003, in respect of the above premises/club premises.

If your licence/certificate authorises the sale/supply of alcohol then you must comply with the contents of this letter. If alcohol is *not* authorised under the licence/certificate please disregard this letter.

As you are aware, you must ensure that the operation of the premises/club premises, complies with the conditions set out in Annexes 1, 2 and 3 of the licence/certificate document.

I am writing to advise that new Mandatory Conditions have been attached to your licence/certificate by Parliament. You must ensure that the operation of the premises/club premises, under the licence/certificate, *also* complies with the Mandatory Conditions, even though they are *not* printed on your licence/certificate document.

Failure to comply with the conditions of your licence/certificate and/or the Mandatory Conditions is a criminal offence with a maximum penalty, on conviction, of 6 months imprisonment and a £20,000 fine.

The Mandatory Conditions are set out below:

1. (1) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.
- (2) For the purposes of the condition set out in paragraph (1) —

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

(b) "permitted price" is the price found by applying the formula $P = D + (D \times V)$ where —

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or (iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

(3) Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(4) — (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax. (2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

2. (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to —

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual

in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on –

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

3. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

4. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

5. (1) The premises licence holder or club premises certificate holder shall ensure that an age verification policy applies to the premises in relation to the sale or supply of alcohol.

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

6. The responsible person shall ensure that–

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

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

NB. The “responsible person” means—

(a) in relation to licensed premises—

(i) the holder of a premises licence in respect of the premises,

(ii) the designated premises supervisor (if any) under such a licence, or

(iii) any individual aged 18 or over who is authorised for the purposes of this section by such a holder or supervisor,

(b) in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables him to prevent the supply in question.

The Home Office have produced Guidance (on banning the sale of alcohol below the cost of duty plus VAT) and a Permitted Price Calculator. These documents may be viewed, down-loaded and printed via the following web-link: <https://www.gov.uk/government/publications/banning-the-sale-of-alcohol-below-the-cost-of-duty-plus-vat>

TRADING STANDARDS ADVICE :

You must buy tobacco, alcohol and any product that belongs to a registered brand (trade mark) holder from a reputable supplier.

Furthermore, these products must be evidenced by receipts and available for inspection to Trading Standards, HMRC and the Police upon request.

I must remind you that Trading Standards operate a zero tolerance policy that includes prosecution, revocation of the licence and other enforcement disposals against any individual or any premises found to have counterfeit alcohol, tobacco or any other product belonging to a registered brand holder on the premise and associated buildings/vehicles or on your person.

Yours sincerely



pp. The Licensing Team

Mr S. Erdogan
Hertford Food Centre
236 Hertford Road
Enfield
EN3 5BL

Please reply to: Sheila Lahey
Trading Standards
PO Box 57, Civic Centre
Silver Street, Enfield, Middx. EN1 3XH
Tel: 020 8379 8527
Fax:
Textphone:: 020 8379 4419
Email: Sheila.lahey@enfield.gov.uk
My Ref: WK/214047247
Your Ref:
Date: 9th September 2014

Dear Mr Erdogan

In March 2014, Enfield Trading Standards and HMRC visited the premises and seized a quantity of alcohol showing counterfeit back labels. This is a criminal offence.

Having carefully considered the facts of the case, Trading Standards have decided not to take any formal action against you on this occasion.

However, you should take this letter as a warning as to your future conduct. Should similar matters be brought to our attention again, it is unlikely that we shall adopt such a lenient approach.

If you have any further queries. Please feel free to contact me on 020 8379 8527

Yours sincerely,

Sheila Lahey
Fair Trading Officer



Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: Hertford Food Centre
236 Hertford Road
Enfield
EN3 5BL

Type of Application: Review Application

Worksheet number: WK/214094139

The Application

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that the premises had been found to be selling non duty paid alcohol and tobacco.

Location

This premises is situated within a busy high street made up of both commercial and residential properties.

History

I have researched Police crime and intelligence systems relating to this venue over the last twelve months and there are no relevant reports relating to this matter.

Cumulative Impact Policy

These premises are located in the Enfield Highway Cumulative Impact Policy Area (CIP).

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 – 24:00

The current licensed hours for these premises are:

08:00 – 01:00 Mon – Sun

In summary I wish to make representation on the following:

- Prevention of crime & disorder
- Public Safety
- The prevention of public nuisance
- The protection of children from harm

The Metropolitan Police support Enfield Licensing Authority in seeking a review of the premises licence on the grounds that the premises have been found to be selling alcohol with counterfeit back labels in March 2014, non-duty paid cigarettes in August 2014 and non-duty paid alcohol and tobacco in February 2015. A previous licence has already been revoked in 2011 for similar offences. The previous licence holder and the current licence holder are business partners so the previous history of the premises is relevant to this case. Despite already having lost one licence the same illegal activity has continued to take place at this premises resulting in the Licensing Authority having no confidence in those running the premises.

Additional Information:

DCMS Guidance (11.26) states that there are certain criminal activities that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. The list includes the sale of smuggled tobacco and alcohol (i.e. non duty paid products).

DCMS guidance (11.27) goes on to say that it is envisaged that responsibility authorities will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Suggested additional condition:

However, if the Licensing Committee does not deem it necessary to revoke the licence in its entirety, it is recommended that the terminal hours be reduced in line with the Cumulative Impact Policy, the DPS be removed from the licence, the licence be suspended for or 3 months and the following conditions be attached to the premises licence:

- A Personal Licence holder is to be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.
- All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.
- Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 26th March 2015

Hertford Food Centre - WK/ 214094139
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. Suitable steps shall be provided at the premises to allow the rear fire exit to be used safely in an emergency.
5. The premises must 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.
6. 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 they can be read by those leaving the premises.
7. Children under the age of 14 shall not be permitted on the premises after 21:00 unless accompanied by an adult.
8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.
9. Deliveries will not be made to the premises between the hours of 22:00 and 06:00.
10. Deliveries shall not cause a noise nuisance to local residents.
11. Stock control shall be introduced, so that the licensee can identify when/where alcohol goods were purchased.
12. If any spirits bought by the Company have UK Duty Stamps that do not fluoresce under ultra-violet light, or are otherwise suspicious, the licensee shall identify the supplier to Trading Standards and HMRC as soon as possible.
13. A digital CCTV system must be installed in the premises complying with the following criteria : (1) Cameras must be sited to observe the entrance and exit doors

both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time, and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.

14. If the premises remain open after 01:00, a Raid Control system must be installed and procedures carried out : (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) All staff must be fully trained as to its use and a signed written record kept of all training carried out and signed and dated by those receiving it; (5) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

15. At least two members of staff shall be present on the shop-floor of the premises between 22:00 and 01:00.

16. 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.

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

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

19. The premises licence holder and any other persons responsible for the purchase of stock shall not purchase any goods from door-to-door sellers unless they are from a bona fide company.

20. The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. These records shall be made available to the Police, Local Authority and/or HMRC upon request and shall be kept for at least one year. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable; (4) Seller's vehicle details, if applicable. Copies of these documents shall be retained on the premises and made available to police or authorised officers of the council on request within five working days of the request.

21. An ultra violet light will be used at the store to check the authenticity of all stock which bears a customs stamp as soon as practical after they have been purchased.

CONDITIONS REQUESTED BY LICENSING AUTHORITY:

22. A Personal Licence holder is to be present on the premises and supervise the sale of alcohol throughout the permitted hours for the sale of alcohol.

23. All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'Tobacco Stock'. This container shall be kept within the store room or behind the sales counter.

24. Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.

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

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LICENSING SUB-COMMITTEE - 15.4.2015**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 15 APRIL 2015****COUNCILLORS****PRESENT** (Chair) Derek Levy, Daniel Anderson and Glynis Vince**ABSENT****OFFICERS:** Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Pat Cahill (Metropolitan Police Service), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)**Also Attending:** Councillor Alan Sitkin (Bowes Ward Councillor)
Ms Leyla Hassan and Mr Mehmet Ali Arslan (Applicant)**518****WELCOME AND APOLOGIES FOR ABSENCE**

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

There were no apologies for absence.

519**DECLARATION OF INTERESTS**

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

520**THE BIRD IN HAND, 100 TOTTENHALL ROAD, LONDON, N13 6DG
(REPORT NO. 214)**

RECEIVED the application made by B. Lads Limited for the premises known as and situated at The Bird In Hand, 100 Tottenham Road, London, N13 6DG for a new Premises Licence.

NOTED

1. The opening statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new Premises Licence for The Bird In Hand.
 - b. There was already a Premises Licence for the venue, held since a conversion in 2005.
 - c. Since 2011, the Premises Licence had been held by B. Lads Ltd, who was also the applicant in this case.

LICENSING SUB-COMMITTEE - 15.4.2015

- d. A copy of the current Premises Licence was included as Annex 02 in the agenda pack. This licence had not been subject to any review.
 - e. The application for a new Premises Licence was attached as Annex 03 in the agenda pack, and the hours sought were summarised on page 2 of the report.
 - f. The need for an application for a new Premises Licence rather than a variation to the current licence arose from the significant and substantial change to the premises layout. The new plan was shown on page 26 of the agenda pack. The Licensing Act and Regulations specified what must be shown on the plan, which forms part of the Premises Licence. As there had been significant alterations, the current licence was technically not valid.
 - g. The Chair noted that a refusal of the application by the Licensing Sub-Committee (LSC) would leave the applicant with an invalid Premises Licence, but that the LSC could choose not to grant hours sought, but to grant the plan.
 - h. The application was subject to representations from the Licensing Authority and the Metropolitan Police, both objecting to any extension of hours above those in the current licence.
 - i. The application was also subject to representations from interested parties who were local residents who objected to any extension of hours, and were represented at the hearing by Councillor Alan Sitkin, Bowes Ward Councillor.
 - j. A petition signed by objectors was attached in Annex 06. It was reported that IP19, Mr Andrew Sojos of 4 Wolves Lane, had withdrawn his representation against the application for the reason that at the time of the petition he was ill advised of the reasons for the application. It was also confirmed that IP25 Mr A Perdikos had withdrawn his representation against the application and had submitted a letter in support, as set out on page 29 of the agenda pack. This left a total of 25 interested party representations in objection rather than 27.
 - k. It was noted that the petition opposing the application did not give details of the hours and activities applied for.
 - l. A petition signed by people in support of the application was submitted by Ms Leyla Hassan as set out on pages 31-35 of the agenda pack. It was noted that details of hours sought for recorded music had been mistakenly noted as 30 minutes less than in the application in the proposal details attached to the petition.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. This premises already had a Premises Licence. As a result of its layout being substantially altered, a new application was required. Therefore the Licensing Authority had no objection to grant if the application had just been for an amended plan. However, the application was also for longer hours.

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- b. The issue of the plan had been raised by officers on 14/06/14, when it was noted that the premises layout did not reflect the plan attached to the licence and advice was given to submit an application.
 - c. The Licensing Authority objected to the longer hours sought on the grounds of prevention of public nuisance.
 - d. In February 2013 the Premises Licence was varied by means of a minor variation application to strengthen the licence at the request of the Licensing Authority and the Police, following a series of assaults and disturbances. This included the introduction of door staff on Friday and Saturday nights.
 - e. The premises was in a highly residential area, near a roundabout with roads leading off in four directions.
 - f. There were concerns that an increase in hours would lead to an increase in noise nuisance.
 - g. The Council had received complaints relating to this premises from four different residents since April 2013.
 - h. The premises had shown difficulty and inconsistency in dealing with noise.
 - i. There had never been noise at a level such as to require serving a Noise Abatement Notice, but the licensing objective related to prevention of public, not statutory, nuisance.
 - j. Ambient noise levels would be lower at night, and at later hours noise would be likely to cause nuisance.
 - k. The proposal set out on the petition submitted by the applicant contained hours for recorded music that were less than those actually applied for. This unfortunately called into question whether people would still have signed it knowing the correct time.
 - l. She clarified that since 18/02/14 there had been 20 Temporary Event Notices (TENs) at the premises covering 44 days. Six of those were withdrawn and re-submitted with reduced hours. Sometimes more than one TEN had been submitted on the same day, for example five were submitted on 22/10/14. The Police and Environmental Health had only three days to make any objection to a TEN, and if several were submitted together, were not able to see how the first event went before considering whether to make an objection to the next TEN.
3. Charlotte Palmer responded to questions as follows:
- a. In response to queries from Councillor Vince regarding the maximum number of TENs permitted per year, it was advised that a premises may request 12 separate events covering 15 days within a year.
 - b. In response to further queries regarding TENs from Councillor Anderson, it was advised that a TEN could not be withdrawn, but if there was serious crime and disorder at an event, a closure notice could be served if necessary. The nuisance to residents from this premises had related to volume of music and control of people, which was not serious enough to get a magistrate to close the premises.

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- c. In response to the Chair's query why further TENs were not objected to, it was advised that there had been various events and officers had made observations and sometimes no problems had been noted and sometimes there had been mediation with the licence holder.
 - d. In response to further queries from Councillor Anderson, it was acknowledged that this year there had been no notable concerns, and that when issues had been raised they had been addressed. Officers highlighted however that this was a residential area and that if activities were permitted to later hours there could be an increase in noise nuisance.
 - e. Councillor Anderson noted that issues with people congregating outside had been after the premises was closed anyway and questioned whether an extension of hours by 30 or 60 minutes would make a significant difference. Charlotte Palmer stated she thought that residents would feel it would make a difference. Later at night there was less traffic and other ambient noise, so any noise from the premises would be more of a nuisance to residents. Concerns related solely to the premises' location.
 - f. In response to the Chair's queries regarding inconsistency in managing noise and people, it was reported that some observations had found noise and music audible in the vicinity and others had not. There was not nuisance every time observations were carried out.
 - g. In response to further queries regarding evidence, it was advised that the officers' notes on two occasions recorded issues of concern and that any extension to hours at the venue would be inappropriate as nuisance would be worse at a later hour.
 - h. Councillor Anderson asked about comparisons with similar premises in similar locations. It was advised that as this specific premises was by a roundabout it could affect residents in many directions. There had been eight complaints received since 2013. This was certainly not one of the worst premises that officers dealt with.
 - i. In response to the Chair's general queries regarding applications for TENs, Charlotte Palmer advised that the Licensing Authority had no objection to applications for TENs to see how extended hours worked for businesses and their customers, if a business was considering making an application to vary hours. They also gave officers the opportunity to monitor the events. TENs were also submitted on a one-off basis, for example for a party. She re-iterated that officers had three working days only to make objections to a TEN from the day it was submitted.
4. The statement by PC Pat Cahill, on behalf of Metropolitan Police Service, including the following points:
- a. He normally operated as an ASB officer, but was deputising at this hearing for PC Martyn Fisher, Police Licensing Officer.
 - b. PC Fisher's statement was included as Annex 04 in the report. His main reasons for objection were that the location was in a mainly residential area and he was aware there had been a number of noise

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nuisance complaints to the Council. If the application was granted, there was a potential for noise issues, detrimental to local residents. If later hours were permitted it would also very likely lead to increased incidents of crime and disorder as customers would be able to consume more alcohol. Although there would not be greatly extended hours he felt that the negative impact on the local community would be far too harmful and affect residents' right to peace and quiet in their own homes.

c. He had had personal dealings regarding anti-social behaviour in this area. A camera had been funded from the Enfield Residents Priority Fund for Bowes Ward at the request of the local Safer Neighbourhood Team. The camera had been deployed at the junction of Wolves Lane and Tottenham Road in 2012 because there had been an issue with youths congregating in local side streets and drug dealing. The camera was now at the junction with Grenoble Gardens, to assist with flytipping issues. Neither of these issues had any link to this pub, but the area was very residential and if people were observed hanging round on street corners, particularly at later hours and after consumption of alcohol, residents would complain.

d. He imagined that customers leaving this venue would have to walk up to Green Lanes to get a cab, and would therefore walk along residential streets, which would be annoying for the residents.

e. He noted that a lot of local people had also expressed support for the application, but questioned whether they would have a change of mind if there was disturbance from noise and music at night.

5. PC Cahill responded to questions as follows:
- a. The Chair asked about evidence that later hours would very likely lead to increased incidents of crime and disorder. It was advised that PC Fisher had made his statement on the basis of his experience in the area and issues experienced at a number of pubs in residential areas where there had been problems at night. He had been working in the borough for 12 years and always got complaints from residential areas.
 - b. The Chair asked for clarification of the Police's position in relation to TENs at this venue. PC Cahill advised that the Police had looked at the TENs and events and there had been no problems, but PC Fisher was considering the permanent longer hours in the application and felt that there would be a negative impact on the local community.
 - c. The Chair asked if Police had any reason to believe that the applicant was not properly promoting the licensing objectives. PC Cahill advised that from what he had read there was no problem with the applicant or with the way the pub was being run. Charlotte Palmer added that when the licence had been inspected that there had been very few breaches, which had been complied with. There was some concern that it had taken from June 2014 to get to this stage with respect to the premises' plan. A minor variation to the licence had been submitted in 2013 following a meeting with the Licensing Authority and the Police, after a series of assaults and disturbances relating to the

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pub. She confirmed that when things had been picked up by officers, the licence holder had addressed them.

d. In response to the question from the licence holder whether she had ever been refused a TEN, Charlotte Palmer highlighted conversations between the parties when officers were minded to object and some TENs had been withdrawn and re-submitted with lesser hours.

e. In response to Councillor Anderson's queries regarding PC Fisher's statement and any stronger evidence relating to this premises, PC Cahill clarified that PC Fisher used to be ward officer in the area of Palmers Green and Bowes for a number of years so knew the area well. He would believe PC Fisher if he was saying that there could be issues, but he had nothing to back it up. In response to further queries by Councillor Anderson, he highlighted the final line of PC Fisher's statement that he was happy with the current conditions on the licence.

f. The Chair queried why, if fears were evidence based, that a review had not been called. Charlotte Palmer advised that the minor variation was submitted at the Police's request and a meeting of all the parties further to a number of assaults. The applicant had agreed to additional conditions on the licence. The report's starting point was from the date of that minor variation. Rather than a review, the licence holder had been offered the opportunity to submit a minor variation.

g. In response to the Chair's question whether between November 2014 and February 2015 there had been any incidents of crime and disorder when TENs had been granted, PC Cahill confirmed there had not.

6. The statement of Councillor Alan Sitkin, Bowes Ward Councillor, including the following points:
 - a. He was speaking on behalf of Wolves Lane & District Residents' Association.
 - b. He had personally used the pub and found it very pleasant, and he had no anti-pub crusade.
 - c. His email of 14/01/15 set out his position. His representation related to this pub's location in a residential neighbourhood. If the pub was on a commercial street his views would have been different. The extensions to the licence here would materially change local residents' living conditions.
 - d. He was attending the hearing to represent the opinion of the majority of residents who opposed the extension of the licence.
 - e. He had received an email within the last couple of days from Chris Joannou, Chair of Wolves Lane & District Residents' Association, raising two extra points:
 - (i) the number of complaints received by the Licensing Team were the tip of the iceberg: more complaints could have been made but people would not ring when they felt no notice was being taken;
 - (ii) the residents' association had carried out a door knocking exercise, which had turned into a petition when it was realised that the equivalent of 89% of residents opposed the licence extension. He added that

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many of the signatories of the applicant's petition in support were too far away to be affected. Mr Joannou stood by the appropriateness of his petition.

f. There would seem no doubt that that vast majority of local residents were opposed to the application due to intangible fears about public nuisance. From the email he received, there were more complaints that could have been made than were made. He had also communicated with residents and they were opposed.

7. Councillor Alan Sitkin responded to questions as follows:
 - a. The Chair asked about the petitions against and in support of the application, noting that the petition in support was larger, albeit with the minor technical error, and that both petitions included addresses in Tottenham Road, Wolves Lane and Wilde Place. Councillor Sitkin accepted that the LSC were in a difficult position in making a decision, but re-iterated that he had been told those residents in opposition were geographically closer, and the opponents had been more vociferous.
 - b. The Chair referred to the withdrawal of an objection from Mr Perdikos and his reversion to a position of support for the reason that he had felt misled by the residents' association representative; and questioned whether there may be a degree of vexation. Councillor Sitkin advised that Chris Joannou had affirmed that insinuations that residents were misled by the residents' association were absolutely false.
 - c. Councillor Anderson questioned why, if there was such a vociferous campaign in opposition, that fewer had signed the petition against than had signed the petition in support. Councillor Sitkin took the point that numbers may be fairly even and that the number of opponents may not be large, but they were vocal and were extremely angry. All three Bowes ward councillors had been contacted by objectors.
 - d. The Chair questioned why the residents' association representatives, beyond submitting the petition, had not made a specific representation in their own right or attended this hearing. Councillor Sitkin highlighted the supplementary email from Chris Joannou on page 48, but acknowledged that none of the 25 valid names had made a representation as such. He advised that in discussions Mr Joannou had complained he had not had enough notice of the hearing, though the Chair remarked that his email to the Licensing Team was dated 01/03/15, over a month ago. Councillor Sitkin advised that he was choosing not to repeat other comments made in respect of the premises, but would say that residents predicted that the applicant would not comply with licensing conditions as there had been previous breaches and 2.5 years ago the pub had been changed without permission, to include a kebab take away facility.
 - e. In response to the Chair's further queries about the possibility that some objectors had displayed a degree of vexation in their objections, Councillor Sitkin stated that he could not answer that, but he advised

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that Mr Joannou lived extremely locally to the premises and had experienced people out on the pavement acting loudly.

f. In response to Councillor Vince's queries regarding names and addresses in the petitions, and that immediate neighbours appeared to be against and in support, Councillor Sitkin acknowledged that he had not read both petitions in detail.

g. Councillor Sitkin also acknowledged the further points made by Councillor Anderson that a number of people signing the petition in objection were members of the same household, which suggested there had been difficulty gathering petition signatures: if there was such high concern he would have expected to see considerable numbers objecting.

8. The statement of Ms Leyla Hassan, the applicant, including the following points:
 - a. She was speaking on behalf of herself and Mr Mehmet Ali Arslan: they had taken over the pub in November 2011. At that time, the pub had been used extensively by those buying, selling and smoking drugs. She had barred around 80% of the previous customers, which meant for the first six months the business had been very quiet, but she had wanted to make it into a family pub.
 - b. She had doubled the number of CCTV cameras in the pub from eight to 16 to eliminate blind spots, and installed a 60" monitor.
 - c. New customers had started being attracted. As more females were visiting the pub, the premises had been altered to increase the number of women's toilets and make it more family friendly.
 - d. Their builder had advised that permission was not needed to move the kitchen, but when the Council made her aware that it was necessary, she had submitted the application.
 - e. There had been some confusion around whether a variation or new premises licence was required, and she had to revise her application to put mistakes right.
 - f. The main concerns related to people on the pavement outside the pub, which was used as a smoking area. Alcohol was not allowed outside, but people would hang around and non-customers would also use the benches. At her suggestion, all benches and tables were taken inside every night. Within this application, it was offered to move the smoking area to the pub garden rather than in front of the pub. That would stop noise nuisance for residents.
 - g. There was also a bus stop for the W4 bus directly outside, so there would frequently be people waiting for a bus, and they would talk amongst themselves and interact with pub customers and may use pub chairs before 11pm.
 - h. Officers had mentioned noise made by customers waiting outside for taxis, so a free phone had been installed in the premises for customers to use to request a minicab and so they would stay inside the pub.

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- i. She had spoken to Chris Joannou when she first moved in to the pub and asked if they could be invited to a residents' association meeting. They had now been there 3.5 years and had still not received that invitation.
 - j. She had visited the pub's immediate neighbours and provided them with the telephone number of the pub and her own mobile number so they could make contact directly if any problems arose. One resident often rang if there was a car parked inconsiderately and she would check if the owner was in the pub and if so ask them to move it. She considered she had a very good relationship with her neighbours.
 - k. Five of the people who had signed the petition against the application had signed her petition in support as well. The feedback she had received when gathering petition signatures was that people had felt misled by residents' association representatives and it had been suggested to them that the pub wanted to open much longer hours and play music all hours.
 - l. At the moment the pub was licensed to open until 00:00. However, on Monday they closed at 22:30. When there was no demand the pub did not stay open, and if the application was granted, the pub would not be kept open for all the permitted hours for the sake of it, or music played to maximum hours.
 - m. She complied with officers' advice to check noise levels by standing and listening from appropriate places outside. She asked DJs to turn down the volume when the noise was too loud.
9. Ms Leyla Hassan responded to questions as follows:
- a. Councillor Anderson asked about the reasons for multiple submissions for TENS. Leyla Hassan advised that the reason was that she was due to go on holiday, but had a number of events coming up in November and December including a bonfire night celebration and an anniversary party. When she had applied for TENS for events until 3am she had been made aware that the Council had concerns about issuing them and PC Fisher rang her to say he would object, and so she followed suggestions to reduce the TEN applications until 2am.
 - b. In response to Councillor Anderson's queries regarding the petition organised in support of the application, Leyla Hassan advised that the incorrect time printed was a genuine mistake. No-one had subsequently told her they felt they had signed under false pretence. She confirmed she had collected the signatures in March. The petition in opposition had been carried out in December / January, before this application had been submitted.
 - c. Councillor Vince asked for the reasons why extended hours were needed. It was advised that currently at 11pm the music was reduced to background level. Then one by one customers started leaving and moving on to other pubs by cab as they did not want to stop drinking or finish their night at that point. They mainly moved on to The Fox, which was open until 02:30. Her customers had been asking for later opening

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hours to 1am and music until 12am at The Bird in Hand. Most of the customers were local residents, living within walking distance.

d. In response to Councillor Vince's query whether anyone was resident at the premises, Leyla Hassan advised that her business partner lived there, and that she stayed a couple of nights per week. She reiterated that chairs and tables were brought in at 11pm and that access to the garden was locked at that time.

e. The Chair asked about additional steps which could be taken to mitigate against the possibility of public nuisance and increased crime and disorder. Leyla Hassan advised that noise had been reduced by installing the free phone for minicabs, which stopped people going outside and phoning, and by moving the smoking area into the garden. The garden area backed onto the premises and was not exposed to residential addresses.

f. In response to the Chair querying the marginal extra hours and whether seeking them was worth aggravating local residents, Leyla Hassan stated that this was her business and her living. Businesses had to give customers what they wanted. The pub had to have food, an area for children and a beautiful garden. The application was not just about making more money. If people went out for a longer evening they would drink more slowly and spread their drinking over the evening, but not leave to go somewhere else. She considered herself and her partner to be responsible licence holders. They had actioned everything that officers had suggested. If responsible authorities said they needed to do more they would not have a problem with it. The Principal Licensing Officer advised that the applicant had offered some further conditions, but that the responsible authorities had no objections to current conditions set out in Annex 07. By condition, the outdoor tables and chairs should be removed at 00:00, but the licence holder was happy to bring them in at 11pm. The Chair confirmed that the debate would focus on the application to extend licensing hours.

g. In response to Charlotte Palmer's query regarding the outdoor tables and chairs, Leyla Hassan confirmed that they would still be brought in at 11pm if the application should be granted in full.

h. In response to Charlotte Palmer's query regarding children on the premises, it was advised that children had to have an adult with them at all times: if they were not with an adult they were not allowed in. At 9pm they made parents take children home unless they were in the restaurant and eating dinner, and this would not change if the application was granted.

i. It was clarified via the Chair that all parties would be satisfied for additional conditions volunteered by the applicant to be included on the licence.

j. In response to Charlotte Palmer's question regarding intentions for outdoor music, it was advised that in summer only they had piped music outdoors, which was constantly monitored. They had had live music in the garden twice, on bank holidays for barbeques held during the daytime, and it was included on the application for such cases.

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- k. Charlotte Palmer highlighted the error in times for recorded music given on the petition of support and asked if the applicant wished to reduce the application in line with that. Leyla Hassan confirmed she would prefer to keep the hours as written in the application.
- l. In response to further queries from the Chair regarding the hours sought, it was confirmed that the weekend licensed hours and music were the most important from the business perspective. In the week, the pub did not always use their maximum permitted hours and would not fight as strongly for the weekday extended hours.
10. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
- a. The Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
 - b. Relevant Home Office Guidance and the Council's licensing policy were highlighted for Members' attention.
11. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- a. Officers' notes stated on more than one occasion that later opening hours at this premises would be likely to cause nuisance to residents.
 - b. Given that this was a highly residential area, the Licensing Authority still objected to the application and recommended that the hours granted were the same as those on the current licence.
12. The closing statement of PC Pat Cahill, on behalf of Metropolitan Police Service, reiterating support of the Licensing Authority's position.
13. Councillor Sitkin had confirmed he had no more to add to his representation.
14. The closing statement of Ms Leyla Hassan, on behalf of the applicant, including the following points:
- a. She had always complied with advice given by the Licensing Authority and the Police, and she did not want to upset local residents.
 - b. For clarity, the Police had been called in respect of the premises on only four occasions. Once the pub had been broken into and a fruit machine raided. One issue had arisen at a St Patricks Day celebration when drinkers were mucking about. She had called for Police assistance once after the fire alarm went off and the pub was evacuated but had difficulty dispersing people as a bus arrived at the same time and a number of football fans returning from a match got off and hung around. The fourth occasion related to a suspected theft of a mobile phone from a teacher in the pub with a group on the last day of term: she later came back to say that one of her colleagues had picked it up by mistake. There was not much crime in this pub.

RESOLVED that

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

2. The Chairman made the following statement:

“Having carefully considered all the written representations and listened attentively to the oral submissions throughout the course of the hearing, the Licensing Sub-Committee (LSC) concluded that the Applicant for The Bird In Hand demonstrated to full satisfaction that it had been and will continue to take all appropriate steps for the full promotion of the licensing objectives, and that the LSC resolved to grant the application in full.

The LSC was mindful of the London Borough of Enfield’s Licensing policy statement and statutory guidance in respect of premises located in or immediately adjacent to residential areas, and the impact that even the relatively modest increase in the hours sought for licensable activities could have in terms, primarily on public nuisance, but also the potential for crime and disorder. The LSC was confident that the premises licence holder had been pro-active in her approach to responsible operation of the previous licence, evolving policies, procedures, and simple operational actions over almost four years at these premises (specific use of the garden for smoking space, removal of benches from the front of the pub at the historic terminal hour, installing a Freephone taxi call service, being some of the examples), working co-operatively with the Police (and PC Martyn Fisher in particular) and Licensing Authorities, responding immediately and sensibly when particular issues of noise nuisance and limited incidents when the Police attended the premises or were called by the premises licence holder. The LSC heard from the premises licence holder that these limited incidents were not of a criminal nature. The LSC also noted that the premises licence holder was/is consistently seeking dialogue and an open relationship with the local Residents Association, although such approaches had been consistently spurned, according to the premises licence holder.

The LSC was also persuaded by the premises licence holder that, whilst earnest in the seeking of no more than one extra hour per night of various licensable activities throughout the week, she would take a pragmatic approach to managing any new licence and would not

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necessarily keep the premises open to the full terminal hour every night – thereby mitigating against the potential for increased disturbance of any kind, and taking steps to promote the licensing objectives.

By contrast, the LSC considered that the objections made by the Licensing Authority, the Metropolitan Police Service (MPS) and some local residents by way of 25 interested parties, represented at the hearing by one of the three Ward Councillors, were not sufficiently compelling or persuasive to refuse the extended hours to this new application. Indeed, the LSC was of the view that rather than being evidence based, most of the written representation, and much of the oral submissions, were based on supposition, conjecture, and speculation. The LSC heard amorphous words such as “very likely”, “I feel that”, “we believe that”, “might”, “negative effects that this often leads to” – which diminished the arguments being advanced.

The LSC was told by the Licensing Authority that there had been an inconsistency in managing the level of noise, the volume of music, and managing people gathering outside the premises. However this was not reflected within the evidence before the LSC which detailed that the premises licence holder acted swiftly and appropriately by way of response when such episodes occurred – on some occasions responding to direct phone calls from local residents and sometimes calling the police herself if the concern was of sufficient need and could not otherwise be contained.

Additionally, it was the LSC’s opinion that submissions from the MPS not only lacked statistical and supportive evidence, but were inconsistent and contradictory.

PC Fisher wrote that the potential for noise nuisance arising from “only one hour above” current times would be detrimental; and also “that the later hours would also very likely lead to increased incidents of crime and disorder”. And yet the LSC noted that at numerous times over the past year, the MPS did not raise objections to temporary event notices for activities lasting until 02:00 (or even 03:30 on three occasions) – where the potential, by the logic of his argument, would perhaps have been even greater. However, we heard no evidence worthy of note that those events gave rise to significant noise or criminal disorder, or that the licensing objectives were in any way compromised or undermined.

By the very nature of the location of these premises, being within very close proximity to residential properties, the LSC applied great weight to the opinions of local residents – some of whom were represented at the hearing by Councillor Sitkin; himself an objector in writing in his own right. He told the LSC that he was the mouthpiece for the 26 remaining parties from the petition objecting to the application, and in particular Mr Chris Joannou from the Wolves Lane and District

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Residents Association (WLDRA). The LSC was asked to believe that these objectors were those who lived in closest proximity to the premises and likely to be most affected.

However, in the bundle of written evidence, the LSC also had sight of a parallel petition from another group of residents in support of the application – far greater in number than the interested parties who had objected – a close reading of which making it clear that much of the support came from the very same streets, some of whose addresses were even closer to the premises. Under questioning from one of the LSC, Councillor Sitkin conceded that he had not read or analysed the respective petitions in detail, nor spotted that objectors and supporters were often next door neighbours.

The LSC also noted the written representation provided by an interested party, Mr Perdikos of 147 Tottenhall Road in which not only did he withdraw his initial objection to the application for what he had believed was a significantly greater extension of hours than that now being sought, but explicitly said the current application is something to which he was content to give his full support.

The LSC took into account the written statement from Mr Joannou through an email dated 1 March 2015 – in which he asserts that a survey carried out to ascertain the views of the local community “reveals that 91% of those that were contacted are strongly opposed to the grant of a Premises Licence that extends the hours for playing music and the supply of alcohol ...” The LSC considered that it conveyed a very specific view of Mr Joannou speaking on behalf of WLDRA and that there was no formulated basis for this statistic.

Moreover, as part of his oral evidence, Councillor Sitkin – voluntarily and without prompting by questions – began to recount additional irrelevant hearsay information, concerning planning issues, he had been given by Mr Joannou. The LSC disregarded that information in its consideration and decision.

The only area of contention in this case was a marginal extension of hours, but the LSC acknowledged that even such relatively small changes have significance for the local community in that this increase in hours may have an impact on the promotion of the licensing objectives, and so residents’ views are paramount in such matters.

However, it is the role of any Licensing Sub-Committee to take a balanced view of the respective arguments, and to make a decision on the weight of evidence. The LSC needs to have confidence in the ability of a premises licence holder such that the management and operation of the licence is done effectively, efficiently, and with responsibility. Above all, it is incumbent on the premises licence holder

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to ensure that the licensing objectives are being properly promoted and that all reasonable steps, guided by workable and enforceable conditions, are being taken so to do.

This LSC considered that the new application from the premises licence holder for The Bird In Hand was robust, and that the representations from all objecting parties were lacking in evidence and not sufficiently well made to persuade it to arrive at any other decision than that it would be appropriate for the promotion of the licensing objectives to grant the application in full.

The LSC also anticipates that B. Lads Limited will surrender the previous licence LN/200502145 at the earliest opportunity, not least because the plans attached to it are out of date and if would have been inoperable.

Should the worst fears of local residents, local representatives, or any of the Responsible Authorities be confirmed, the opportunity to call for a review of the licence is built into the Licensing Act process for that very reason.”

3. The Licensing Sub-Committee resolved to grant the licence in full as follows:
- (i) Hours the premises are open to the public : Sunday to Thursday 10:00 to 00:30 and on Friday and Saturday from 10:00 to 01:30.
 - (ii) Supply of alcohol (on and off supplies) : Sunday to Thursday 10:00 to 00:00 and on Friday and Saturday from 10:00 to 01:00.
 - (iii) Live music :
(Indoors) Sunday to Thursday 10:00 to 23:30 and on Friday and Saturday 10:00 to 00:00.
(Outdoors) Monday to Sunday 10:00 to 21:00
 - (iv) Recorded music :
(Indoors) Sunday to Thursday 10:00 to 00:00 and on Friday and Saturday 10:00 to 00:30.
(Outdoors) Monday to Sunday 10:00 to 21:00
 - (v) Performance of dance : Sunday to Thursday 10:00 to 23:30 and on Friday and Saturday 10:00 to 00:30
 - (vi) Late night refreshment : Sunday to Thursday 23:00 to 00:00 and on Friday and Saturday 23:00 to 01:00
 - (vii) Indoor sporting events : Monday to Sunday 10:00 to 00:00.

Conditions (in accordance with Annex 07 to the report)
Conditions 1 to 21, which were modified and enhanced in part and agreed by responsible authorities and the applicant.

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