

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 16 September 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Committee Secretary
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Council website: www.enfield.gov.uk

Councillors : Chris Bond (Chair), Derek Levy and Glynis Vince

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. CLUB ZEROS, 1 JUTE LANE, ENFIELD, EN3 7PJ (REPORT NO. 71) (Pages 1 - 34)

Application to review a premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 35 - 52)

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

Wednesday 13 May 2015
and
Wednesday 27 May 2015

5. EXCLUSION OF THE PRESS AND PUBLIC

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

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MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
16 September 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Application to review a premises licence	
PREMISES : Club Zeros, 1 Jute Lane, ENFIELD, EN3 7PJ.	
WARD : Enfield Highway	

1.0 LICENSING HISTORY

1.1 The table below summarises the significant licensing history at the premises situated at 1 Jute Lane, EN3 7PJ:

Date	Premises Licence Number	Premises Name	Premises Licence Holder	DPS
4/12/08	LN/200502096	Club Jute	Mr Vedat Habiboglu	Mr Vedat Habiboglu
8/6/10	LN/200800724	Club Jute	Mr Hilmi Deveci	Mr Vedat Habiboglu
15/7/10	“”	Club JD's	Mr Mustafa Uluhan	Mr John Cummins
27/8/10	“”	Club JD's	Club JD's Ltd	Mr John Cummins
9/2/11	“”	Club JD's	Club JD's Ltd	Mr Charles Allen
21/6/12	“”	Club JD's	Club JD's Ltd	Mr Nigel Rogers
27/2/13	“”	The Lounge Nightclub Limited	The Lounge Nightclub Limited	Ms Ruth Becker
5/9/13	“”	Club 303	Mr Steven James Mugridge	Ms Vanessa Short
22/11/13	“”	Club 303	Mr Aydogan Islamoglu	Mr Aydogan Islamoglu
18/2/14	“”	Club 303	Ms Vanessa Short	Ms Vanessa Short
29/9/14	LN/201400539	Club Zeros	Ebony Ice Productions UK Ltd	Ms Vanessa Short
12/2/15	“”	Club Zeros	Ebony Ice Productions UK Ltd	Mr Ilker Ahmet

1.2 Premises Licence 1 LN/200502096

1.2.1 This licence was surrendered on 26 January 2010 by Mr Vedat Habiboglu.

1.3 Premises Licence 2 LN/200800724

1.3.1 On 15 June 2010 a review application by the Metropolitan Police was submitted, due to the number of incidents of assault including a shooting of a DJ outside of the premises. The conditions of the licence were modified at the Licensing Sub-Committee hearing on 1 September 2010.

1.3.2 On 19 February 2013, the Licensing Sub-Committee formed to hear a Police Review application hearing after a closure notice. The notice was applied for following a large fight that took place at the premises involving 30-50 males on Saturday 1st February 2013. The fight resulted in one male being arrested for assaulting a police officer and another male being arrested for possession of cocaine. The premises was also open and trading at 05:30 when it should have closed by 03:30. The Licensing Sub-Committee modified the conditions of the licence.

1.3.3 This licence was surrendered by Ms Vanessa Short on 2 June 2014.

1.4 Premises Licence 3 LN/201400539 (Current Premises Licence)

1.4.1 On 29 September 2014, an application by Ebony Ice Productions UK Ltd for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers. Ms Vanessa Short was the named DPS.

1.4.2 On 13 February 2015, an application by Ebony Ice Productions UK Ltd to vary the DPS from Ms Vanessa Short to Mr Ilker Ahmet, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.4.3 On 2 September 2015, Mr Ilker Ahmet surrendered his position as DPS at Club Zeros.

2.0 CURRENT POSITION:

2.1 The current Premises Licence permits:

- 2.1.1 Hours the premises are open to the public: 11am to 3.30am daily
- 2.1.2 Supply of alcohol (on supplies only) : 11am to 3.30am daily
- 2.1.3 Live music, Recorded music, and Performance of dance (all indoors): 11am to 3.30am daily
- 2.1.4 Late night refreshment: 11pm to 3am daily

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

2.3 A copy of the current Premises Licence is attached as Annex 02.

3.0 THIS APPLICATION :

3.1 On 24 August 2015 the Metropolitan Police Service applied for a Summary Review of the Premises Licence under Section 53A of the Licensing Act 2003.

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

3.3 On 26 August 2015 the Licensing Sub-Committee considered that it wasn't necessary to take any interim steps.

3.4 A copy of the decision notice is attached as Annex 04.

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

3.6 The Premises Licence Holder and Responsible Authorities were advised that representations to the application should be submitted within 10 working days of the advertisement.

3.7 This hearing constitutes a full review of the licence, as required by the Summary Review statutory procedure.

4.0 RELEVANT REPRESENTATIONS :

4.1 The closing date for representations is 8 September 2015, and this report was prepared prior to that. Any representations will be submitted in an additional report.

5.0 RELEVANT LAW, GUIDANCE & POLICIES:

5.1 The paragraphs below are extracted from either:

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

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

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

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

General Principles:

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

5.3 The licensing objectives are:

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

Decision :

5.6 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 :

5.6.1 to modify the conditions of the licence;

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

5.6.3 to remove the designated premises supervisor

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

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

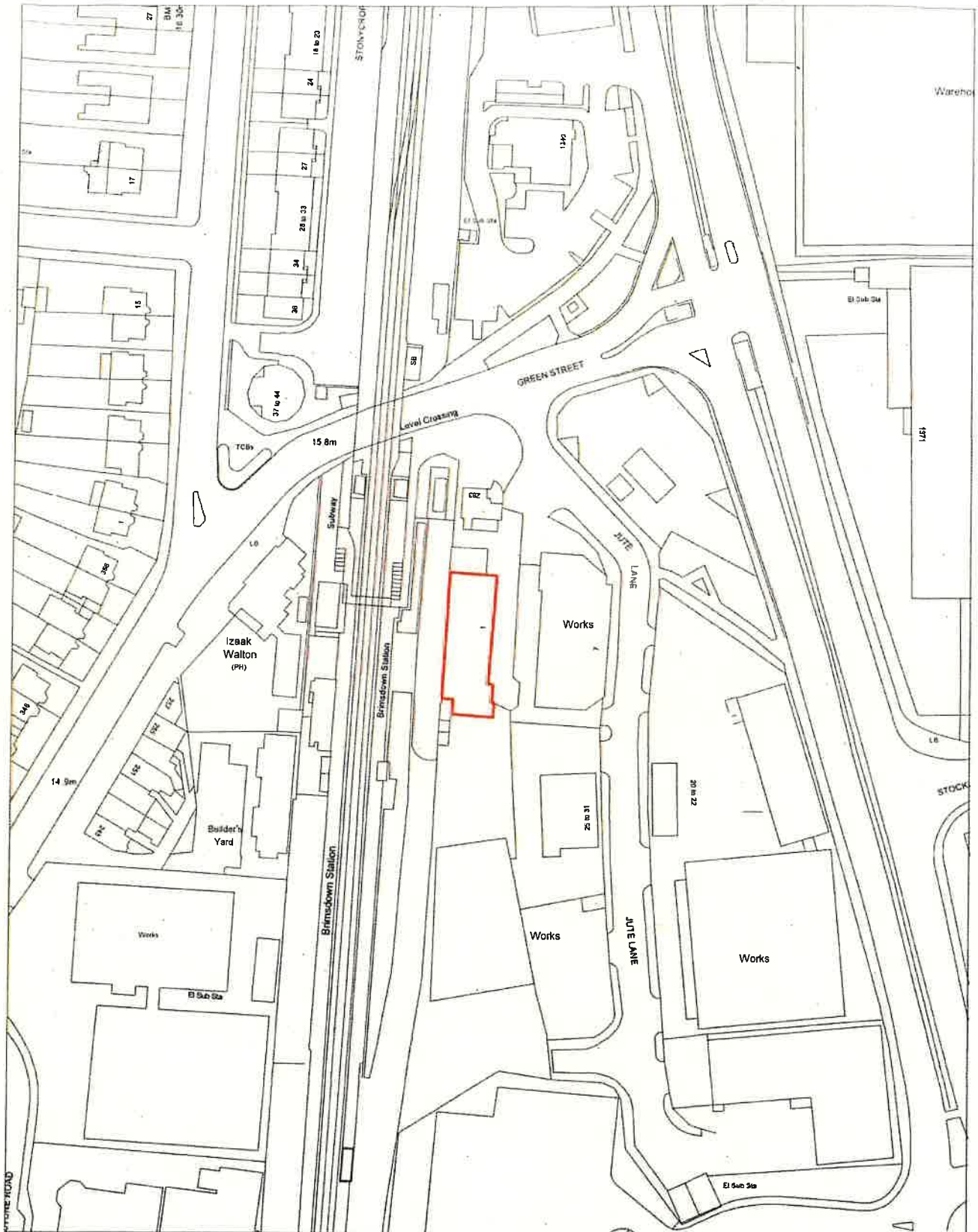
5.7 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes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

Background Papers :

None other than any identified within the report.

Contact Officer :

Ellie Green on 020 8379 8543



Club Zeros, 1 Jute Lane, ENFIELD, EN3 7PJ.

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

ANNEX 02

ENFIELD
Council



Mr Uchechukwu Obobi
Club Zeros
1 Jute Lane
Enfield
EN3 7PJ

Please reply to **Rose McMurray**
Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail : licensing@enfield.gov.uk
Phone : 020 8379 3578
Textphone : 020 8379 4419
Fax : 020 8379 2190
My Ref : LN/201400539
Your Ref : NOT PROVIDED
Date : 13th February 2015

Dear Mr Uchechukwu Obobi

Licensing Act 2003

Premises : Club Zeros, 1 Jute Lane, ENFIELD, EN3 7PJ

This letter concerns the application for a Variation of the DPS on a Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

Ian Davis
Director - Environment
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Phone: 020 8379 1000
Website: www.enfield.gov.uk

 If you need this document in another language or format call Customer Services on 020 8379 1000, or email enfield.council@enfield.gov.uk

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly ;
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 066 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely



Rose McMurray
Licensing Officer

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

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201400539**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Club Zeros**

Telephone number : **020 3489 1070**

Address : **1 Jute Lane ENFIELD EN3 7PJ**

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

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

(1) Open to the Public - Whole premises

Sunday :	11:00 - 03:30
Monday :	11:00 - 03:30
Tuesday :	11:00 - 03:30
Wednesday :	11:00 - 03:30
Thursday :	11:00 - 03:30
Friday :	11:00 - 03:30
Saturday :	11:00 - 03:30

(2) Supply of Alcohol - On supplies

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(3) Live Music - Indoors

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00

Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(4) Recorded Music - Indoors

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(5) Performance of Dance - Indoors

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(6) Late Night Refreshment - Indoors

Sunday :	23:00 - 03:00
Monday :	23:00 - 03:00
Tuesday :	23:00 - 03:00
Wednesday :	23:00 - 03:00
Thursday :	23:00 - 03:00
Friday :	23:00 - 03:00
Saturday :	23:00 - 03:00

Part 2

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

Name : Ebony Ice Productions U K Ltd

Telephone number : 020 3489 1070

e-mail : Not provided

Address : 21 Winnipeg Way, Broxbourne, Herts, EN10 6FG

Registered number of holder (where applicable) :

08956678

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 Ilker Ahmet

Telephone number :

e-mail : 132 Barrowell Green, LONDON, N21 3AX

Address :

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

Personal Licence Number : LN/200501471

Issuing Authority : London Borough of Enfield

Premises Licence LN/201400539 was first granted on 29 September 2014.

Signed : 

Date : 13th 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**



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. All entrants shall be screened and searched for drugs and concealed weapons.**
- 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 those leaving the premises can read them.**
- 7. A CCTV system shall be installed, operated and maintained at the premises. The system shall : (1) The system must be a digital system; (2) If the CCTV equipment is inoperative or not working to the satisfaction of the Police or Licensing Authority, the premises shall not be used for licensable activities unless with prior agreement from the Police; (3) Cameras must be sited to observe the entrance doors both inside and outside and all areas required by Police; (4) 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 - not less than 120% of screen; (5) Cameras viewing till areas must capture frames not less than 50% of screen; (6) Cameras overlooking floor areas should be wide angled to give an overview of the premises. They must be capable of detection i.e. not less than 10% of screen; (7) Be capable of visually confirming the nature of the crime committed; (8) Provide a linked record of the date, time and place of any image; (9) Provide good quality images; (10) Operate under existing light levels within and outside the premises; (11) Have the recording device located in a secure area or locked cabinet; (12) Have a monitor to review images and recorded picture quality; (13) Record images as near to real time as possible; (14) Recorded images must be of sufficient quality that persons can be identified from the recorded pictures as well as the live view; (15) Be regularly maintained to ensure continuous quality of image capture and retention; (16) Comply with the Data Protection Act (DPA) and any applicable British Security Industry Association (BSIA) codes of practice; (17) Have signage displayed in the customer area to advise that CCTV is in operation; (18) Be operated by the**

correct procedures, to ensure an evidence trail is recorded and can be retrieved for evidential purposes; (19) Digital images must be kept for 31 days; (20) Checks should be frequently undertaken to ensure that the equipment performs properly and that all the cameras are operational and a log kept; (21) The medium on which the images have been recorded should not be used when it has become apparent that the quality of the images has deteriorated; (22) Access to recorded images should be restricted to those staff that need to have access in order to achieve the purposes of using the equipment; (23) All access to the medium on which the images are recorded should be documented; (24) Police will have access to images at any reasonable time; (25) 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; (26) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances, law enforcement agencies, Prosecution agencies, relevant legal representatives and people whose images have been recorded and retained.

8. Door supervisors shall ensure that drinks are taken into the smoking area or removed from the premises at any time.
9. Deliveries shall not be accepted at the premises other than between the hours of 09:00 and 18:00 each day.
10. An alarm system (to EU50131) that incorporates a panic-button facility shall be installed and maintained at the premises.
11. The licence holder shall ensure that at all times licensable activity is taking place there shall be at least one suitably trained first-aider on duty at the premises.
12. The cloakroom at the premises shall be operated so as to assist the swift return of coats, particularly in the period prior to closing time.
13. Prominent, clear and legible notices shall be displayed at all public exits from the premises. The notices shall be positioned at eye-level and in a location where they can be read by persons leaving the premises. The notices shall state "Drinks cannot be taken outside the premises."
14. The premises licence holder shall provide and maintain a dedicated telephone number of the Designated Premises Supervisor for use by any person who may wish to make a complaint during the operation of the licence, which shall be provided to the Licensing Authority and any local residents on request. Any change to the number shall be notified to the Licensing Authority within seven days of the change.
15. Notices shall be clearly displayed at each public entrance to the premises detailing the policy on admission and searching at the premises.

16. A sign shall be displayed at the entrance to the premises informing customers of the closing time and last time of entry to the premises.
17. When the premises are used for regulated entertainment there shall be no admission or readmission after 01:00.
18. A minimum of eight door supervisors shall be employed on the premises from the commencement of regulated entertainment until closing.
19. All door staff employed must be from contractors that appear on the Security Industry Authority's Register of Approved Contractors.
20. All security staff will wear high visibility yellow jackets whilst on duty with SIA badge on display. This measure will ensure that security staff will offer visible presence and reassurance both inside and outside of the premises as well as show up clearly on CCTV.
21. (1) All members of staff including door supervisors must enter their names in the Staff Register Book. All door supervisors must enter their SIA badge number and the company that they are employed by. These records shall be dated and made available to the Police and/or council upon request. All records shall be retained for a minimum of one year; (2) All door supervisors will enter the time they start and finish their shifts into the Staff Register Book; (3) Door supervisors will ensure fire exits are kept clear of real and potential hazards at all times; (4) Door supervisors will take it in turns to patrol the toilets every hour whilst the premises are open and to sign the toilet checklist to this effect; (5) Door supervisors will monitor the smoking area and car park on a regular basis to ensure that no noise nuisance is being created; (6) Door supervisors will ensure that no alcohol is taken outside of the premises and that there is no smoking inside of the premises; (7) Under 18's shall not be allowed on the premises at any time whilst the premises is open for licensable activities; (8) Search policies must be adopted and implemented by the door supervisors. This policy shall include, but is not limited to : (a) Female door supervisors shall be engaged to search hand bags, and female patrons; (b) Any drugs or weapons, found or confiscated must be handed into the police as soon as is practicable; (c) Door supervisors must ensure that only one person is permitted in the toilet cubicles at any one time. (Toilets, Attracts, Drugs!); (d) All patrons must be searched before entering the premises; (e) Hand held search wands and/or search arches shall be utilized at the point of entry to the club; (f) To remove from the premises any person found using drugs; (g) Trained in emergency procedures; (h) Refuse entry and re-entry after the last permitted time; (i) Use clickers to ensure capacity not breached; (j) All staff will be made aware of the entry policy - i.e. over 18, over 21, over 25; (k) Keep a record of any drugs / weapons seized as well as any found during toilet checks; (L) Ensure customers leave the premises quietly without causing a disturbance or any ASB; (M) All staff will sign to show they have read and understand this policy.
22. The Designated Premises Supervisor or a member of the management shall personally monitor the actions and observations of the security staff at frequent intervals to ensure that searches are being properly carried out.

- 23. The designated premises supervisor or a member of the management shall monthly, check their door supervisors registration on the Security Industry Authority (SIA) website to ensure their licences are current. Written records of these checks shall be maintained, signed and dated by the person completing the checks. The records shall be kept for 12 months and made available to Police or the local authority upon reasonable request.**
- 24. At least two door supervisors shall remain directly outside the premises until all patrons have left to ensure the safe and quiet dispersal of patrons.**
- 25. Toilets at the premises shall be checked for any sign of illegal drug use an average of every hour and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for one year. Records shall be made available to an authorised officer of the Council or police, upon reasonable request.**
- 26. A minimum of 8 prominent, clear and legible notices shall be displayed throughout the premises, including in all the toilets, warning customers that drug use will not be tolerated.**
- 27. All incidents of crime or disorder, including any occasion where door supervisors intervene in an incident, shall be recorded in an incident log, the format of which shall be agreed by Police and the local authority. The management shall countersign the log each night. The log must be kept for 12 months and made available to Police or the local authority on request.**
- 28. At the conclusion of all entertainment events a suitably worded announcement shall be made, requesting customers to behave in a quiet manner whilst they are leaving the premises.**
- 29. Management and door supervisors shall encourage those leaving the premises to do so quietly.**
- 30. 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.**
- 31. A noise limiting device shall be installed to any amplification equipment in use on the premises and shall be maintained in effective working order. The noise limiter should be set so that noise does not emanate from the premises so as to cause a nuisance to nearby properties.**
- 32. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.**
- 33. The management at approximately hourly intervals shall make subjective assessments of noise levels whilst regulated entertainment is provided. The assessments should take place at the site boundary and at least as far as the residential properties at the junction of Green Street with**

Brimsdown Avenue. This is to ensure that noise from the premises does not cause disturbance to local residents. Records shall be kept of the times, dates, location of checks and any issues discovered. These records shall be kept for one year. Records shall be made available to an authorised officer of the Council or police, upon request. Where monitoring by management identifies that noise from the premises is a disturbance at the premises boundary or Green Street/Brimsdown Avenue junction, measures shall be taken to reduce this i.e. turning the volume down.

- 34. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.**
- 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 23:00 and 07:00.**
- 36. A record shall be kept specifying the date of any regulated entertainment that takes place at the premises including the name, address and telephone number of the person/s who promoted and organised the entertainment.**
- 37. The management shall provide to the Police Licensing Officer the name, stage name, address and date of birth of all resident disc jockeys (DJs) employed at the premises and at all times that there is a change to the resident DJ's.**
- 38. The Metropolitan Police risk assessment form 696 shall be completed and forwarded to the current email address on the form for all promoted events.**
- 39. The Designated Premises Supervisor or a personal licence holder shall be at the premises whenever licensable activities take place.**
- 40. All staff at the premises engaged in the sale of alcohol shall receive induction and refresher training (at least every 3 months), relating to the sale of alcohol and the times and conditions of the premises licence.**
- 41. 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.**
- 42. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.**
- 43. A written record of refused sales must be kept on the premises and completed when necessary. Records must be kept for one year, and must be made available to Police and/or the Local Authority upon request.**
- 44. No more than 15 smokers to be permitted in the outside smoking area at any one time. A door supervisor must monitor this area at all times.**

45. All drinks shall be decanted into polycarbonate containers when sold or supplied with the exception of champagne which may be supplied in glass bottles, but only in the VIP area.

46. A Club ID Scan or suitable equivalent to be fitted and utilised as a condition of entry for all customers.

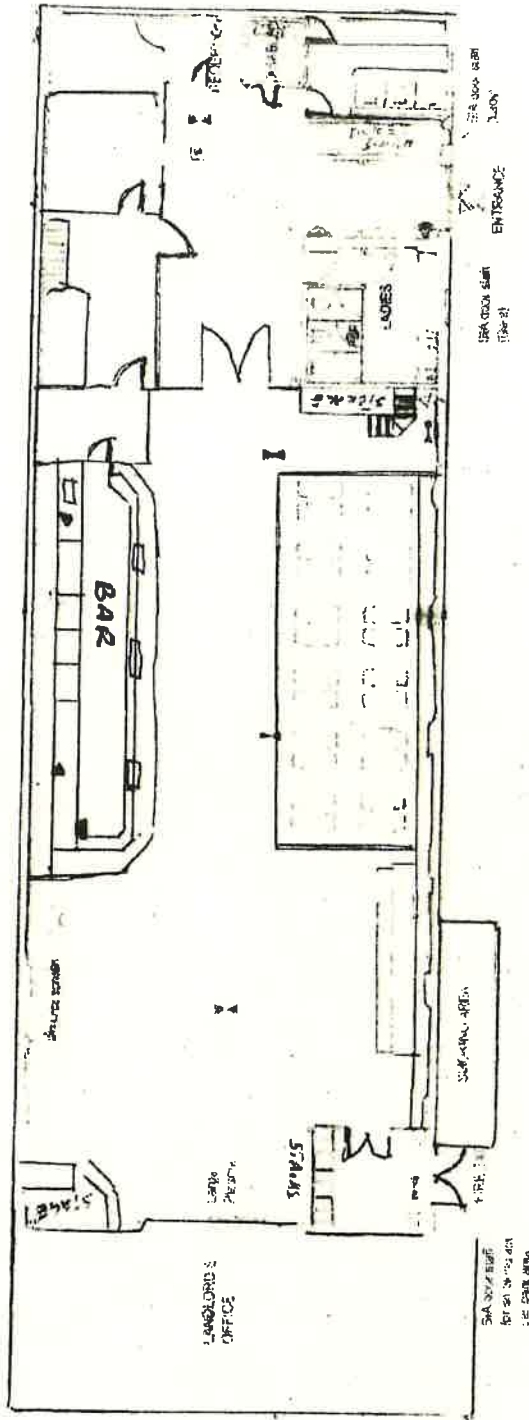
47. Patrons must provide photographic identification as a condition of entry, and the documentation to be scanned and held on the Club's system.

48. The maximum number of persons on the premises at any one time shall not exceed 300.

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

Not applicable

Annex 4 - Plans



Licensing Act 2003**PART B – PREMISES LICENCE SUMMARY**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201400539**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Club Zeros**

Telephone number : **020 3489 1070**

Address : **1 Jute Lane ENFIELD EN3 7PJ**

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

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

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

Sunday :	11:00 - 03:30
Monday :	11:00 - 03:30
Tuesday :	11:00 - 03:30
Wednesday :	11:00 - 03:30
Thursday :	11:00 - 03:30
Friday :	11:00 - 03:30
Saturday :	11:00 - 03:30

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

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(3) **Live Music - Indoors**

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00

Saturday :	11:00 - 03:00
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(4) Recorded Music - Indoors

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(5) Performance of Dance - Indoors

Sunday :	11:00 - 03:00
Monday :	11:00 - 03:00
Tuesday :	11:00 - 03:00
Wednesday :	11:00 - 03:00
Thursday :	11:00 - 03:00
Friday :	11:00 - 03:00
Saturday :	11:00 - 03:00

(6) Late Night Refreshment - Indoors

Sunday :	23:00 - 03:00
Monday :	23:00 - 03:00
Tuesday :	23:00 - 03:00
Wednesday :	23:00 - 03:00
Thursday :	23:00 - 03:00
Friday :	23:00 - 03:00
Saturday :	23:00 - 03:00

Part 2

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

Name : Ebony Ice Productions U K Ltd

Address : 21 Winnipeg Way, Broxbourne, Herts, EN10 6FG

Registered number of holder (where applicable) :

08956678

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

Name : Not applicable

Address :

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

Mr Ilker Ahmet

State whether access to the premises by children is restricted/prohibited :

Restricted

Premises Licence LN/201400539 was first granted on 29 September 2014.

Date : 13th February 2015

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

ENFIELD
Council



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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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



LICENSING SUB-COMMITTEE – 26 AUGUST 2015

Application was made by the **METROPOLITAN POLICE SERVICE** for a summary review of the Premises Licence held by **EBONY ICE PRODUCTIONS UKLTD** at the premises known as and situated at **CLUB ZEROS, 1 JUTE LANE, ENFIELD, EN3 7PJ**.

The Licensing Sub-Committee considered that it wasn't necessary to take any interim steps.

Reasons:

The Chairman made the following statement:

"The Licensing Sub-Committee (LSC) convened in person to consider the Summary Licence Review brought by the Metropolitan Police Service (MPS) with regard to the licence covering Club Zeros, 1 Jute Lane, Enfield.

In its deliberations, the LSC acknowledged that without doubt, the incidents which occurred at or around the venue in the early morning of 22nd August 2015, were of a most serious nature.

Superintendent Robinson's summary review application form and certificate, and witness statement by PC Marsh both proffer their opinions that the premises is associated with serious crime and disorder. However, the LSC decided that the evidence in the application was not sufficient to substantiate a suspension of the premises licence or to take any other interim steps under the summary review procedure.

The LSC noted that other than the Closure Order on 20 April 2015 (for non-compliance with conditions) under Section 21 of the Criminal Justice and Police Act 2001, no further powers were deployed by the MPS, including a review of the premises licence following this closure order.

The LSC also noted that the application stated that there are no other measures which can be put in place to protect the public safety and therefore had requested the suspension as an interim measure. However, the LSC is aware of other statutory powers available including the Anti-Social Behaviour, Crime and Policing Act 2014.

It is the decision of the LSC that no interim steps are necessary pending the determination of the full review on the 16 September 2015.

In its consideration of whether to take any interim steps, the LSC considered that there is no evidential link in the application to indicate or suggest that supply of alcohol was in any way material to the incident that took place. The conditions of the licence, in our opinion, remain appropriate to the nature of the premises and legitimate activities taking place there. And we do not feel from the application that the actions of the licence holder and DPS actively contributed to the specific incident of 22nd August 2015.

In coming to its decision, the LSC focused therefore on whether suspension of the licence

pending the full review would be necessary for the effective promotion of the licensing objectives.

It was the view of the LSC that there was insufficient evidence compelling enough for members to take such a step, in spite of the serious nature of the incidents covered in the papers.

The LSC noted from the application that there was a lack of co-operation with the MPS by staff members including the alleged deputy manager.

The MPS and the licence holder will have an opportunity at the review meeting to present (orally and prior written submissions) more detailed accounts/evidence of what actually took place and what, if any, steps were taken on or after 22 August 2015, to a degree that was not available to the LSC in the papers supporting this application.

Furthermore, there was no explanation, as covered in the Section 53A Summary Review Guidance, as to why other powers or actions were considered not to be an appropriate response to the serious nature of the incidents that took place as a result of a disturbance in very close proximity to Club Zeros."

Date Notice Sent : 26 August 2015

Signed :



Principal Licensing Officer

LICENSING SUB-COMMITTEE - 13.5.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 13 MAY 2015****COUNCILLORS****PRESENT** (Chair) Derek Levy, Toby Simon and Jim Steven**ABSENT****OFFICERS:** Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)**Also Attending:** Ms Karen Cochrane and Mr Mark Walsh (for The Winchmore) Mr Duncan Craig, Mr Suleyman Erdogan, Mr Mahir Kilic and Ms Emma English (for Hertford Food Centre)**543****WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

1. The Chair welcomed all those present and explained the order of the meeting.
2. There were no apologies for absence.
3. As this was his final meeting as Chair of Licensing Committee, Councillor Levy wished to record his thanks to all the councillors and all the officers who had supported him throughout his time as Chair.

544**DECLARATION OF INTERESTS**

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

545**THE WINCHMORE, 235 WINCHMORE HILL ROAD, LONDON, N21 1QA
(REPORT NO. 237)**

RECEIVED the application made by Star Pubs & Bars Limited for the premises known as and situated at The Winchmore, 235 Winchmore Hill Road, London, N21 1QA for a new Premises Licence.

NOTED

LICENSING SUB-COMMITTEE - 13.5.2015

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application for a new premises licence by Star Pubs & Bars Limited.
 - b. There was already a licence at this premises covering the same hours and activities as applied for. Therefore the premises would still have a valid licence in place in any event.
 - c. This premises licence had not been subject to review under the current premises licence holder.
 - d. It would have been acceptable to make an application to vary rather than a new application.
 - e. The original application had sought an extension of hours for the sale of alcohol and opening hours. However, the applicant had agreed to make amendments, and now sought alcohol sales to 23:00 daily and the premises to close at 23:30.
 - f. Recent changes to the Licensing Act 2003 were highlighted in respect of regulated entertainment.
 - g. Representations from the Licensing Authority and the Metropolitan Police had been withdrawn.
 - h. Representations had been received from 55 local residents, mainly in objection to the hours sought in the original application. 44 of these representations had been withdrawn, leaving 11 representations against this application from residents at 11 separate addresses in the vicinity of the premises. Since the LSC report was published, there were now only two valid representations; from IP1 (letter on page 34) and from IP31 (letter on page 43). Those two residents were not in attendance today, but full consideration should still be given to their representations.

2. Questions were invited on the introductory statement:
 - a. Councillor Simon raised that Licensing Sub-Committee had considered a previous review of the premises licence and the hours now applied for were in line with the judgement made on that occasion. Ellie Green confirmed that was the case, but that the review was under a different premises licence holder.
 - b. In response to the Chair's queries about whether she had had conversations with the two interested parties, Ellie Green confirmed that letters had been sent to the interested parties to inform them of the up to date position. IP1 had been spoken with on the phone: she was not sure he had completely understood the process, but he was happy to have his representation still considered. IP31 had not responded to any emails nor made contact.
 - c. The Chair queried whether interested parties acknowledged that this was a different applicant and not The Willow and the venue would be operated in a different way. Ellie Green could only comment on IP1, who did appreciate this was a different premises licence holder.

LICENSING SUB-COMMITTEE - 13.5.2015

3. The statement of Ms Karen Cochrane, solicitor, on behalf of the applicant, including the following points:
 - a. She was accompanied by the applicant, Mr Mark Walsh.
 - b. An application for a new premises licence had been made for the Winchmore public house as there had been quite significant activity in relation to the licensing of this premises.
 - c. She had worked for Star Pubs & Bars Limited for some time. The company had operated mainly in the North before this year. They were a new operator and had not been fully aware of previous issues before making the original application.
 - d. Seeking of additional conditions and an extension of hours on Fridays was routinely not controversial.
 - e. The condition on the previous licence in respect of door staff would not fit in well with the operation now proposed.
 - f. The premises had received a significant refurbishment with hundreds of thousands of pounds spent on it, and was proposed to be a food-led venue that would be family-friendly and at the heart of the community.
 - g. Mark Walsh would be the Designated Premises Supervisor. He was currently manager of the Ship Inn at Holborn and prior to that of the Oxford Arms in Camden and had no problems at either premises. He would also be living on site at the Winchmore.
 - h. The only music proposed was background music. There would be no regulated entertainment or bands. With that in mind, they did not want SIA badged staff on the doors, and this was the reason the application for a new premises licence had been made.
 - i. The original application had requested additional hours on Fridays. To their company this had seemed uncontroversial, but it had very quickly become clear that considerable concerns remained in relation to the premises. As soon as that was communicated, a meeting was arranged for the community and was attended by a number of local residents and was ultimately a very positive experience.
 - j. In response to the concerns expressed, the original application was amended. The additional hours proposed on Fridays were withdrawn, and the hours on the previous licence were reverted to.
 - k. The conditions proposed by Environmental Health were all agreed.
 - l. The removal of the condition relating to door staff had not been opposed by the Police.
 - m. The front outside seating area would not be used after 19:00. The external area at the rear would be restricted to smokers after 22:00.
 - n. The Licensing Authority and the Police had been very helpful. The premises was always going to be somewhat tarred by the previous operator, but time would tell this would be a different operation. The new licence holder would need to prove themselves, but this business would cause no concerns. In any case, there remained the usual safeguard of potential to review a premises licence. If there was any need to make variation to the licence, the applicant would liaise with the responsible authorities in advance of any application.

LICENSING SUB-COMMITTEE - 13.5.2015

- o. But for the history of the premises, this application would have been different, but it was believed that it had been amended to what would be acceptable. The track record of the operator meant that the application could be safely granted and in accordance with promotion of the licensing objectives. It was hoped that the licence would be satisfactory to everybody and that the premises would be an asset to the area.
4. Questions were invited on the representation:
- a. In response to the Chair's queries, Ellie Green confirmed that Annex 05 set out the agreed conditions to be added to a new licence, and that the Police had not asked for a condition regarding door supervisors to be included.
 - b. The Chair asked whether the two interested parties had attended the meeting held with the community. The applicant was not sure if he had met them.
 - c. In response to Councillor Simon's queries regarding Condition 15, the applicant advised that he would prefer to keep the condition although in effect it was not required since the recent changes to licensing legislation regarding regulated entertainment. The conditions also acted as an aide memoire to licence holders about important issues.
5. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
- a. Having heard the response from the applicant, the Licensing Sub-Committee must take such steps as considered appropriate for promotion of the licensing objectives.
 - b. The Home Office Guidance s. 10.13 and 13.18 were highlighted for Members' attention, as set out in paragraph 5 of her report.
6. Ms Karen Cochrane, solicitor, on behalf of the applicant, had covered all points in her statement, but wished to thank the Licensing Authority officers for being very helpful throughout the process.

RESOLVED that

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

The 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:

LICENSING SUB-COMMITTEE - 13.5.2015

“Having considered all the written and oral submissions, the Licensing Sub-Committee (LSC) believes that it is appropriate for the promotion of the licensing objectives to grant the application in full – as all sufficient steps have been taken so to do.

We note that the original application has been amended to reduce the terminal hours until 11:30pm – and all remaining licensable activities would have to cease at 11:00pm. In addition, the wide range of conditions that have now been agreed and added has meant that the Licensing Authority and Metropolitan Police Service felt able to withdraw their representations. And we, as a sub-committee, having questioned and reviewed these conditions ourselves agreed.

The LSC has taken note of and addressed the concerns of the remaining objectors, but does not feel that the objections are sustained.”

3. The Licensing Sub-Committee resolved that the application be granted in full as follows:
 - (i) Hours the premises are open to the public : from 09:00 to 23:30 daily.
 - (ii) Supply of alcohol (on and off supplies) : from 10:00 to 23:00 daily.
 - (iii) Conditions in accordance with Annex 05 to the LSC report.

546

**HERTFORD FOOD CENTRE, 236 HERTFORD ROAD, ENFIELD, EN3 5BL
(REPORT NO. 238)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Mr Suleyman Erdogan at the premises known as and situated at Hertford Food Centre, 236 Hertford Road, Enfield, EN3 5BL.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This was an application to review a premises licence, made by the Licensing Authority and related to the prevention of crime and disorder licensing objective.
 - b. There had been two occasions when non-duty paid alcohol and tobacco were found on the premises over the last 14 months.
 - c. A former premises licence was revoked in July 2011 following a review application, relating to the sale of non-duty paid alcohol, submitted by Trading Standards.

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- d. A new premises licence was issued in September 2011 naming the premises licence holder as Mr Suleyman Erdogan. It had now been found that Mr Erdogan was a business partner of the former licence holder, Mr Sefer Govtepe.
 - e. The Licensing Authority were asking for a revocation of the premises licence.
 - f. The Licensing Authority's application was supported by the Metropolitan Police.
 - g. If the Licensing Sub-Committee were not minded to revoke the licence, the Licensing Authority had proposed a number of additional conditions to form part of the premises licence. Those conditions had now been agreed by the premises licence holder.
 - h. Mr Suleyman Erdogan was present at this meeting, represented by Mr Duncan Craig from Citadel Chambers.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- a. This application to review the premises licence was made following the discovery that the premises had been found to be selling non-duty paid alcohol and cigarettes.
 - b. The Government consider that activities including the sale of smuggled tobacco and alcohol should be treated particularly seriously, and that it is expected that revocation of the licence – even in the first instance – should be seriously considered.
 - c. At a Trading Standards and HMRC joint visit on 12/03/14, officers seized 73 bottles of alcohol with counterfeit back labels. A warning letter was issued advising that “should similar matters be brought to our attention again, it is unlikely that we shall adopt such a lenient approach”.
 - d. Non-duty paid tobacco was found on the premises on 15/08/14 by Licensing Enforcement officers.
 - e. A multi-agency operation in June 2014 did not find non-duty paid items. However, following further allegations, on 24/02/15 a visit with a tobacco-detecting dog found non-duty paid tobacco concealed in a set of drawers. There was a false bottom to the drawers. This strongly suggested that operators knew the items were illegal. At a meeting involving all parties held on 03/03/15, Mr Govtepe commented that it was because “everything was so expensive”. He also commented that three non-duty paid bottles of vodka seized were a gift; this breached Condition 19 of the licence.
 - f. There were already a number of conditions on the licence designed to prevent this type of activity.
 - g. Other breaches had been found previously, but all but one were now in compliance.
 - h. One review had been held already in July 2011 and the premises licence revoked. Had officers discovered at the time that the new applicant was a business partner of the previous licence holder, they would have objected to the granting of this premises licence. At no time

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had Mr Erdogan said he did not know what his business partner was doing.

i. These repeated offences showed a disregard for the law and the licensing objectives.

j. Licensing Authority officers had no confidence in the operators of this premises and considered there was no alternative but to recommend revocation of the premises licence.

3. The statement of PC Martyn Fisher, Metropolitan Police Service, including the following points:
 - a. The Police supported the Licensing Authority in seeking revocation of the premises licence.
 - b. The grounds for this recommendation was prevention of crime and disorder, on the grounds that the premises had 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.
 - c. There had already been a revocation of one licence in 2011 for similar offences. The previous and current licence holders were business partners and so that revocation was also relevant in this case. The same illegal activities had continued to take place at this premises.
4. Questions were invited on the introductory statements:
 - a. In response to the Chair's queries regarding the connection between the previous and current licence holders, Charlotte Palmer confirmed that the Licensing Authority would have definitely contended the granting of a premises licence if they had known that Mr Erdogan and Mr Govtepe were business partners. She was one of the officers who visited the premises on 24/02/15 and saw Mr Govtepe being interviewed by HMRC. Mr Govtepe was the person who came forward as running the premises.
 - b. In response to the Chair's queries about the reasons for leniency in 2014, Charlotte Palmer advised that a number of operations had been run at that time, including test purchases, and it was felt better to wait to see what those operations brought up. There was no tobacco detection dog involved on that occasion. It was then considered that there had been a significant time lapse since the visit in March, but the operators had been lucky in their treatment on that occasion. Charlotte Palmer also confirmed that a copy of the letter sent to Mr Erdogan, dated 09/09/14 was included on page 116 of the agenda pack. This letter was sent as a result of what was found in March 2014.
5. The statement of Mr Duncan Craig, Barrister, on behalf of the Premises Licence Holder, including the following points:
 - a. He was accompanied by Suleyman Erdogan, the Designated Premises Supervisor (DPS) and Premises Licence Holder, Mahir Kilic from NARTS who represented Turkish shop owners and would assist with interpretation, and his assistant Emma English.

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- b. Mr Erdogan did deny knowledge of those items on the premises.
- c. Mr Erdogan had been in business with Mr Govtepe, but SAL solicitors had now been instructed to dissolve the arrangements between them. Their relationship had broken down, and Mr Erdogan had instructed solicitors to resolve this by buying shares from Mr Govtepe or removing him from the Share Register. Mr Erdogan had given assurance that this would be dealt with within an eight week period.
- d. Within Annex 04 on page 73 of the agenda pack there was reference to the meeting on 08/04/15 at which he and Mr Killich were present, but Mr Erdogan was out of the country, in Turkey, for a six week period including 27/02/15. It was right to say that at the time of the raid on 24/02/15 Mr Govtepe was present and accepted full responsibility for the cigarettes. In respect of the three bottles of vodka found on the shelf, that quantity was significantly less than was found on 12/03/14, for which the premises was subject to a warning letter. While understanding that all matters should be taken into account, this alcohol found was a minimal amount. It was understood this vodka had been brought in by a customer as a gift and erroneously placed on the shelf by a member of staff while Mr Erdogan was away. He would submit that was conclusive proof that he was out of the country at a material time in relation to seized cigarettes and alcohol.
- e. There had been a number of other visits, as listed chronologically in Annex 03. On 23/05/14 there was a test purchase which was passed. On 02/06/14 the premises was compliant on matters of interest to HMRC Living Wage and Immigration Enforcement. A further test purchase was also passed on 22/07/14. So this was not a premises with consistent failings on every occasion.
- f. The letter in 2014 suggested that the step of revocation would be excessive given the small number of bottles, and given the responsibility accepted by Mr Govtepe, who was being taken out of the business.
- g. In respect of this hearing, the points he wished to highlight were:
 - (i) Conditions had already been agreed with the Licensing Authority subject to revocation not occurring;
 - (ii) It would be appropriate in the circumstances to lose one hour on the licence to bring the hours into line with the Enfield Highway Cumulative Impact Policy Area (CIP) core hours;
 - (iii) He would offer a suspension of the licence for a period of eight weeks. This was suggested to allow Mr Govtepe time to be removed from the business. That would punish the licence holder and punish the business and concentrate the mind and ensure further steps were taken to uphold the licensing objectives going forward. These were appropriate and proportionate actions that he would invite the sub-committee to follow.

6. Questions were invited on the submission:

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- a. In response to Councillor Simon's queries whether the 14 days for compliance relating to supply of invoices for the last month's alcohol purchases requested on 24/04/15 were met, it was confirmed the invoices had not been provided and the 14 days had expired.
- b. The Chair referred to one of the reasons given in mitigation being that the amount of three bottles of vodka seized on 24/02/15 was relatively insignificant, but that this was still nonetheless an offence. This was agreed by Duncan Craig.
- c. In response to the Chair's further questioning that the amount of goods seized in March 2014 was significant and was during Mr Erdogan's period of responsibility, this was acknowledged and that Mr Erdogan was the Designated Premises Supervisor (DPS) of the shop.
- d. The Chair asked if Mr Erdogan had abdicated responsibility for acquisitions and sales or whether all actions were down to Mr Govtepe. Duncan Craig advised that in terms of his instructions and the evidence, he had offered an explanation around the 24/02/15 visit. However, Mr Erdogan was the DPS and had to take a degree of responsibility. The suggestions made did acknowledge that there had been shortcomings on Mr Erdogan's watch.
- e. In response to the Chair's further query, it was confirmed that Mr Erdogan's watch began on 06/09/11.
- f. The Chair raised that Mr Erdogan became the licence holder in the knowledge of the previous revocation, and asked how he did not know of items in stock on the premises for which he had responsibility. It was advised that Mr Govtepe bought the items in question, notwithstanding that Mr Erdogan had responsibility as DPS.
- g. Given the degree of ignorance around what was going on, the Chair questioned whether Mr Erdogan was a fit and proper person to be the DPS. Duncan Craig suggested that was not a matter for him to comment on.
- h. In response to the Chair's question whether a suggestion that the DPS be removed was being offered, Duncan Craig advised that if the sub-committee felt that would be an appropriate step, it would not be resisted.
- i. At the request of the Chair, Duncan Craig read para 5.8 of the Relevant Law, Guidance and Policies ie "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]". He acknowledged that the crime prevention objective was undermined on 12/03/14, and that was the second occasion the objective was undermined, in terms of the premises.
- j. Duncan Craig also confirmed that the seizure of other non-duty paid items on 24/02/15 was another occasion on which the crime prevention objective was undermined.
- k. In the light of the above, the Chair questioned the suggestion that the premises did not have consistent failings. Duncan Craig advised

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that he had stated that the premises were not found to be failing on every occasion or visit, as there had been several test purchases etc. There were occasions that showed compliances. The guidance in s.11.28 should be seriously considered, but also any determination made should be proportionate. If the seizure on 12/03/14 had been considered so serious there had been nothing preventing the Licensing Authority taking proceedings at that time, but they had not.

l. Further to the seizure of three bottles of vodka mentioned, the Chair highlighted that also on 24/02/15 the 93 packets of non-duty paid cigarettes had been found. Duncan Craig advised that these had been mentioned, and that Mr Govtepe had said that he was responsible for purchasing them and for where they were hidden away.

m. The Chair asked about breaches of conditions found on 23/05/14, and the level of responsibility of Mr Erdogan. Duncan Craig was able to confirm that the ultra violet light was now working. He had also seen the training record and that was significantly improved. Since the time of the raid in March, significant improvements had been made.

n. The Chair highlighted that on 15/08/14 certain conditions continued to be in breach and that warning letters had been issued regarding the operation of the licence. He questioned whether the licence holder was fully able to assert his responsibility for the licence. Duncan Craig suggested that his removal as DPS may be appropriate.

o. Councillor Simon asked about the company's trading structure. It was confirmed that Hertford Food Centre Limited was a registered company, and evidence of the Company Register Information had been included by officers in the agenda pack, and was advised that Mr Govtepe resigned as a Director some time ago. Charlotte Palmer highlighted, as stated on page 69, company information on the Companies House website checked on 04/03/15 confirmed that Mr Sefer Govtepe was the current Director and Mr Suleyman Erdogan was the Director until 20/05/14. Duncan Craig apologised and confirmed that was correct. He advised that Mr Govtepe wanted to be sole Director. As an officer of the company he had a degree of control over it. Ellie Green confirmed that the premises licence holder was named as Mr Erdogan, it was not under the company name.

p. Councillor Simon asked about Mr Erdogan's view regarding when the concealed drawer was constructed. Mr Erdogan advised he did not know about it until he got back from Turkey. He never knew about its existence.

q. In response to Charlotte Palmer's queries, it was advised that Mr Erdogan first became connected with the business in 2009. Mr Erdogan also confirmed that he was aware of the reason for the revocation of the previous premises licence, and that he realised the seriousness of the matters and potential consequences. Mr Erdogan confirmed that he was at the premises on 24/02/15 when Charlotte Palmer and HMRC officers visited.

r. Charlotte Palmer questioned why, despite two meetings with her and PC Fisher, Mr Erdogan had not previously said that he was not aware

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of the concealed drawer and non-duty paid items: at no time had Mr Erdogan said he did not know what his business partner was doing. In response, Mr Erdogan stated that nobody had asked. Duncan Craig had been present at the meeting on 08/04/15 and advised that this meeting was rather for the purpose of exploring the potential for resolution. Duncan Craig confirmed he was not present at the meeting held on 03/03/15. Charlotte Palmer advised that the premises licence holder had requested to have a meeting with officers: this was held on 03/03/15 and was not part of the criminal investigation. At that meeting, Charlotte Palmer had stated that they obviously knew it was wrong otherwise it would not have been hidden in secret drawers, but at that point Mr Erdogan had not said he had not been aware of the drawers. In response, Mr Erdogan clarified that Mr Govtepe had responded to that point at the meeting in March and Mr Erdogan had not felt it was necessary for him to say anything as he had not known about the drawers.

s. In response to Charlotte Palmer's question regarding what action if any was taken by the licence holder, having received the warning letter dated 09/09/14, Mr Erdogan advised that he had paid attention to the letter, but obviously his business partner did not pay attention. He also noted that this letter was sent six months after the seizure in March 2014.

t. PC Fisher asked why Mr Govtepe was not present at today's hearing, as he had an interest in the business as a partner and was being blamed for his actions but was unable to defend himself or give his own account. It was advised that Mr Erdogan was the premises licence holder and DPS and that the business relationship had broken up so that was why Mr Govtepe was not here. These review proceedings were against Mr Erdogan. The Chair remarked that it was for the sub-committee to consider the weight to give to information.

u. In response to the Chair's further queries why it had not been possible for the licence holder to supply copies of the invoices requested, even with a review pending, it was advised that these had been with the accountant during this period but Mr Erdogan was getting them back this week. Mr Erdogan had not been able to get them back from the accountant. Charlotte Palmer added that at an officer visit in May, some invoices had been retrieved and were examined.

7. 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. To assist with their decision making, the Council's Licensing Policy s. 10.3, and Home Office Guidance s. 11.24, 11.27 and 11.28 were highlighted for Members' attention, as set out in paragraph 5 of her report.
 - c. She had not been aware that the licence holder would offer a reduction in licensed hours in line with the CIP policy, but the Licensing

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Authority still felt it was necessary to recommend revocation of this premises licence, taking everything into consideration.

d. There was a significant history of wrong doing at this premises. She was not aware of any other premises where a licence had been revoked and then the new licence had been subject to a review. The current business was connected to the previous business, and Mr Erdogan had worked at the premises since 2009. The licence already had conditions attached which related to preventing the activities which had been discovered. The total tax evaded based on the three occasions when goods were seized was £670.18. The Licensing Authority had no confidence in those running the premises, and strongly believed that it was appropriate for the premises licence to be revoked.

8. The closing statement of Mr Duncan Craig, Barrister, on behalf of the Premises Licence Holder, including the following points:
 - a. He had had the opportunity to take instruction from Mr Erdogan, and confirmed it would be acceptable for the DPS to be removed.
 - b. The review had been brought against this premises licence and Mr Erdogan as the named current licence holder and DPS, and should be judged on that basis. He was in business with Mr Govtepe, but was taking steps to resolve that.
 - c. There were two strands of evidence to support the contention that Mr Erdogan did not know about the wrong doing at the premises. He was away immediately prior to when the raid occurred in February 2015 and had been away for six weeks. There was also the admission by Mr Govtepe at the scene that he was responsible for buying the tobacco and building and for installing the concealed drawers.
 - d. Steps had been taken and mitigation offered. More appropriate actions suggested included a suspension of the licence for eight weeks to enable Mr Erdogan's business partner to be removed.
9. The Legal Services officer's advice that the sub-committee should consider the control of the business and the ability of the licence holder to operate this licence lawfully.

RESOLVED that

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

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

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2. The Chairman made the following statement:

“Having considered all the written submissions and listened attentively to all the oral submissions at the hearing, the Licensing Sub-Committee (LSC) determined that the appropriate step to be taken in response to the application to review the licence, and for the promotion of the licensing objectives, is to revoke the licence.

The Council’s Licensing Policy and statutory guidance are clear that in the event of criminal activity, by way of counterfeit or non-duty paid goods being acquired and sold, revocation even in the first instance should be seriously considered.

We have heard the history of these premises, which includes revocation of a previous licence for the same reasons – and at a time when the current Premises Licence Holder / Designated Premises Supervisor was involved as an employee of the business; and that Mr Erdogan made an application for a new licence the very next day. This was made in full knowledge of the reasons for the revocation.

We further heard that a significant seizure of counterfeit goods was carried out on 12th March 2014; and that there have been two further episodes of a different scale since that time.

The licence holder, through his representative, admitted that each of these incidents undermined the prevention of crime and disorder licensing objective, as well as the former revocation doing so.

Even if the LSC were persuaded that Mr Erdogan was ignorant of the actions of his business partner – Mr Sefer Govtepe – he has failed to demonstrate any capability to control those actions as they impact on his responsibilities to operate his licence lawfully.

Alternatively, he knew exactly what was going on with regard to the sale of non-duty paid goods and chose either to condone it or turn a blind eye.

By the licence holder’s own admission, he has more than once been out of the country for long periods, and this further hampers his ability to assert control of the business.

When questioned about the failure to supply invoices pertaining to the purchase of duty paid goods as recently as April 2015, it again demonstrated his lack of ability to even obtain invoices from his own accountant despite being in the knowledge he faced a review of his licence.

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The LSC was not satisfied by the answers given, and believed it to be an aggravating factor to the litany of failures, and breaches of other conditions of the licence.

Therefore, the LSC finds that the applicant has made its case in full, and that revocation is appropriate for the promotion of the licensing objectives.”

3. The Licensing Sub-Committee resolved to revoke the licence.

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MINUTES OF PREVIOUS MEETING HELD ON 15 APRIL 2015

RECEIVED the minutes of the meeting held on 15 April 2015.

AGREED that the minutes of the meeting held on 15 April 2015 be confirmed and signed as a correct record.

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**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 27 MAY 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy, Vicki Pite, Peter Fallart

ABSENT Chris Bond

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Trading Standards), PC Martyn Fisher (Metropolitan Police), Catriona McFarlane (Legal Services Representative), Koulla Panaretou (Democratic Services)

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WELCOME AND APOLOGIES FOR ABSENCE

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

Cllr Derek Levy kindly chaired the meeting in the absence of Cllr Chris Bond and all other members were present as expected.

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DECLARATION OF INTERESTS

There were no declarations of interest.

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**HERTFORD ROAD SPORTS & SOCIAL CLUB, 99 HERTFORD ROAD,
EDMONTON, N9 7EE (REPORT NO. 04)**

RECEIVED the application for a new premises licence at Hertford Road Sports & Social Club at the premises situated at 99 Hertford Road, Edmonton, London, N9 7EE in the name of Mr Metin Tarlacick.

NOTED

1. Before commencing the hearing of the above application, the Chairman was advised by the Principal Licensing Officer she had received a communication from the applicant's representative.
2. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. On the morning of the hearing, an email was received from the Anva Architects, the agent for the applicant, requesting an

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- adjournment/postponement of the hearing for the future date in order to make changes to the planning application. It was also advised they were unable to contact their legal advisor. The principal licensing officer had tried to contact the applicants to find out more information, without success.
- b. Having consulted his colleagues, the Chairman stated they rejected the request for an adjournment/postponement. The principal reason was the licensing application can be heard on its own merits, without there even being planning permission in place.
 - c. It was also felt that the applicant had plenty of time from 16th April (when they were notified of the hearing date) to raise any concerns that would require adjournment.
3. The licensing sub-committee having dealt with this initial matter, the Principal Licensing Officer proceeded to introduce the substantive application:
- a. This application was for a new premises licence in the name of Mr Metin Tarlacick. There is a current Club Premises Certificate in place in the name of Edmonton United Service Limited.
 - b. Recent changes to the Licensing Act 2003, affecting licence requirements for recorded and live music were highlighted.
 - c. Reference was made to 5.5 of the Licensing Sub-Committee Report, advising that the premises are located in the Edmonton Cumulative Impact Policy (CIP) Area and this policy therefore applies to this application.
 - d. In this respect, no further information has been forthcoming from the applicant.
4. The statement by PC Martyn Fisher, on behalf of the Metropolitan Police Service, included the following points:
- a. The premises in question is one of 4 CIP areas, one being Edmonton.
 - b. The hours requested are outside core hours and outside the quoted policy statement in respect of refreshments and recorded music.
 - c. There is a presumption that the application will be refused as outlined in the CIP as the area in question is of concern to the Police with previously reported crime and disorder incidents and changes to the core hours are likely to lead to increases in incidents, disturbances and public nuisances, therefore recommendation is for refusal.
5. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
- a. Confirmation that the premises is in a CIP area.

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- b. The applicant has not provided any additional information; therefore the CIP should not apply to them as the additional hours could lead to disturbances due to a residential area being nearby. Recent complaints have been received in respect of noise nuisance issues.
 - c. Current Club premises certificate is in place where only bona fide members and their guests are permitted entry. The new premises licence will not restrict entry to membership and therefore clients will be unknown.
 - d. It was confirmed that both certificates can remain active, if newer one is agreed, the former being exempt from CIP.
 - e. It was confirmed that Karen Cooper is still employed as Manager and was on her way to the hearing but was stopped by the agent (emails received 10:05am and 9:52am – Wednesday 27th May 2015).
 - f. Recommendation was made that the CIP policy be upheld and the times of the premises licence be restricted to those specified in the CIP.
6. The closing statement of Ellie Green, Principal Licensing Officer, included the following points:
- a. That the Principal Licensing Officer had heard from Ms Cooper since the start of the hearing and was on her way to the hearing but was stopped by the agent (emails received 10:05am and 9:52am – Wednesday 27th May 2015).
 - b. Unless the applicant is able to demonstrate to the satisfaction of the sub-committee, then the recommendation would be to uphold the CIP policy.

RESOLVED that

1. The Licensing Sub-Committee did not retire to consider the application as there were no representatives for the applicant present, or members of the public.
2. The Chairman made the following statement:

“Having read and heard all the information supplied by the Applicant, the Licensing Authority, Trading Standards and the Metropolitan Police Service (in the absence of the applicant and their agent) it was decided that a decision can be made in the Council Chamber to grant the application in part in line with the CIP times as detailed in the representations by the Metropolitan Police and Trading Standards. The Sub-Committee does not believe the applicants provided any additional information sufficient to exempt them from the CIP and those parts of the application outside the CIP guidelines have been refused.”

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3. The Licensing Sub-Committee resolved that the application be granted in part as follows:
- (i) Hours the premises are open to the public: Monday to Sunday from 09:00 to 00:30.
 - (ii) Supply of alcohol (on supplies only): Monday to Saturday from 10:00 to 00:00 and Sunday from 12:00 to 23:30.
 - (iii) Recorded music: Monday to Sunday from 09:00 to 00:00.
 - (iv) Late Night Refreshment: Monday to Saturday from 23:00 to 00:00 and Sunday from 23:00 to 23:30.

Conditions in accordance with Annex 06 to the LSC report.

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MINUTES OF PREVIOUS MEETINGS

RECEIVED the minutes of the meeting of the meetings held on Wednesday 1st April 2015 and Wednesday 29th April 2015.

AGREED that the minutes of the meetings held on Wednesday 1st April 2015 and Wednesday 29th April 2015 be confirmed and signed as a correct record.