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LICENSING SUB-COMMITTEE

Wednesday, 21 October 2015 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
Direct : 020-8379-4093
Tel: 020-8379-1000
Ext: 4093
E-mail: jane.creer@enfield.gov.uk
Council website: www.enfield.gov.uk

Councillors : Chris Bond (Chair), Derek Levy and Dogan Delman

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. STARFISH & COFFEE, 92 ALDERMANS HILL, LONDON, N13 4PP (REPORT NO. 101) (Pages 1 - 60)

Application for a new premises licence.

4. THE BLACK HORSE, PUBLIC HOUSE, 179 HERTFORD ROAD, ENFIELD, EN3 5JH (REPORT NO. 102) (Pages 61 - 126)

Application to review a premises licence.

5. MINUTES OF PREVIOUS MEETING (Pages 127 - 134)

To receive and agree the minutes of the meeting held on Wednesday 16 September 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
21 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT :	Application for a new premises licence
PREMISES :	Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.
WARD :	Southgate Green

1 THIS APPLICATION:

- 1.1 On 11 August 2015 an application was made by **Mr Aykut Hilmi** for a **new Premises Licence** for Starfish & Coffee House Limited, Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.
- 1.2 The application seeks:
- 1.2.1 **Hours the premises are open to the public:** Monday to Friday from 08:00 to 22:00, Saturday and Sunday from 09:00 to 22:00.
- 1.2.2 **Supply of alcohol (on and off supplies):** Monday to Friday from 12:00 to 21:30, Saturday and Sunday from 11:00 to 21:30.
- 1.2.3 **Indoor sporting events:** Monday to Friday from 08:00 to 22:00, Saturday and Sunday from 09:00 to 22:00.
- 1.2.4 **Live music:** Monday to Friday from 08:00 to 22:00, Saturday and Sunday from 09:00 to 22:00.
- 1.2.5 **Recorded music:** Monday to Friday from 08:00 to 22:00, Saturday and Sunday from 09:00 to 22:00.
- 1.2.6 **Films:** Monday to Friday from 08:00 to 22:00, Saturday and Sunday from 09:00 to 22:00.
- 1.3 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 1.4 Each of the Responsible Authorities were consulted in respect of the application.
- 1.5 A copy of a location map of the premises is attached as Annex 01.
- 1.6 A copy of the application is attached as Annex 02.

2 RELEVANT REPRESENTATIONS:

- 2.1 **Metropolitan Police:** Representation was made, and the authority considered that it was appropriate, for the promotion of the licensing objectives, to modify conditions attached to the licence. The applicant agreed to the conditions and the representation has subsequently been withdrawn.
- 2.2 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation was made, and the authority considered that it was appropriate, for the promotion of the licensing objectives, to modify conditions attached to the licence. The applicant agreed to the conditions and the representation has subsequently been withdrawn.
- 2.3 **Other Persons:** Representations have been made, against the application, by persons residing at 12 separate addresses. The grounds of representation include the prevention of crime & disorder and the prevention of public nuisance. Two further representations have also been made by local residents in support of the application.
- 2.4 A copy of the representations are attached as Annex 03.
- 2.5 Further correspondence between the Licensing Authority, the Applicant and the local residents can be seen in an email trail, attached as Appendix 04.

3 PROPOSED LICENCE CONDITIONS:

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

4 RELEVANT LAW, GUIDANCE & POLICIES:

- 4.1 The paragraphs below are extracted from either :
- 4.1.1 the Licensing Act 2003 ('Act'); or
- 4.1.2 the Guidance issued by the Secretary of State to the Home Office, of March 2015 ('Guid'); or
- 4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 4.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 4.3 The licensing objectives are :
- 4.3.1 the prevention of crime and disorder;
- 4.3.2 public safety;
- 4.3.3 the prevention of public nuisance; &
- 4.3.4 the protection of children from harm [Act s.4(2)].

- 4.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 4.4.1 the Council's licensing policy statement; &
 - 4.4.2 guidance issued by the Secretary of State [Act s.4(3)].
- 4.5 The Sub-Committee may not have regard to whether or not a proposal is likely to be permitted in accordance with the law relating to planning or building [Pol s.17.1].
- 4.6 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:

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

Hours:

- 4.8 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].
- 4.9 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].
- 4.10 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:

- 4.11 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.
- 4.12 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.

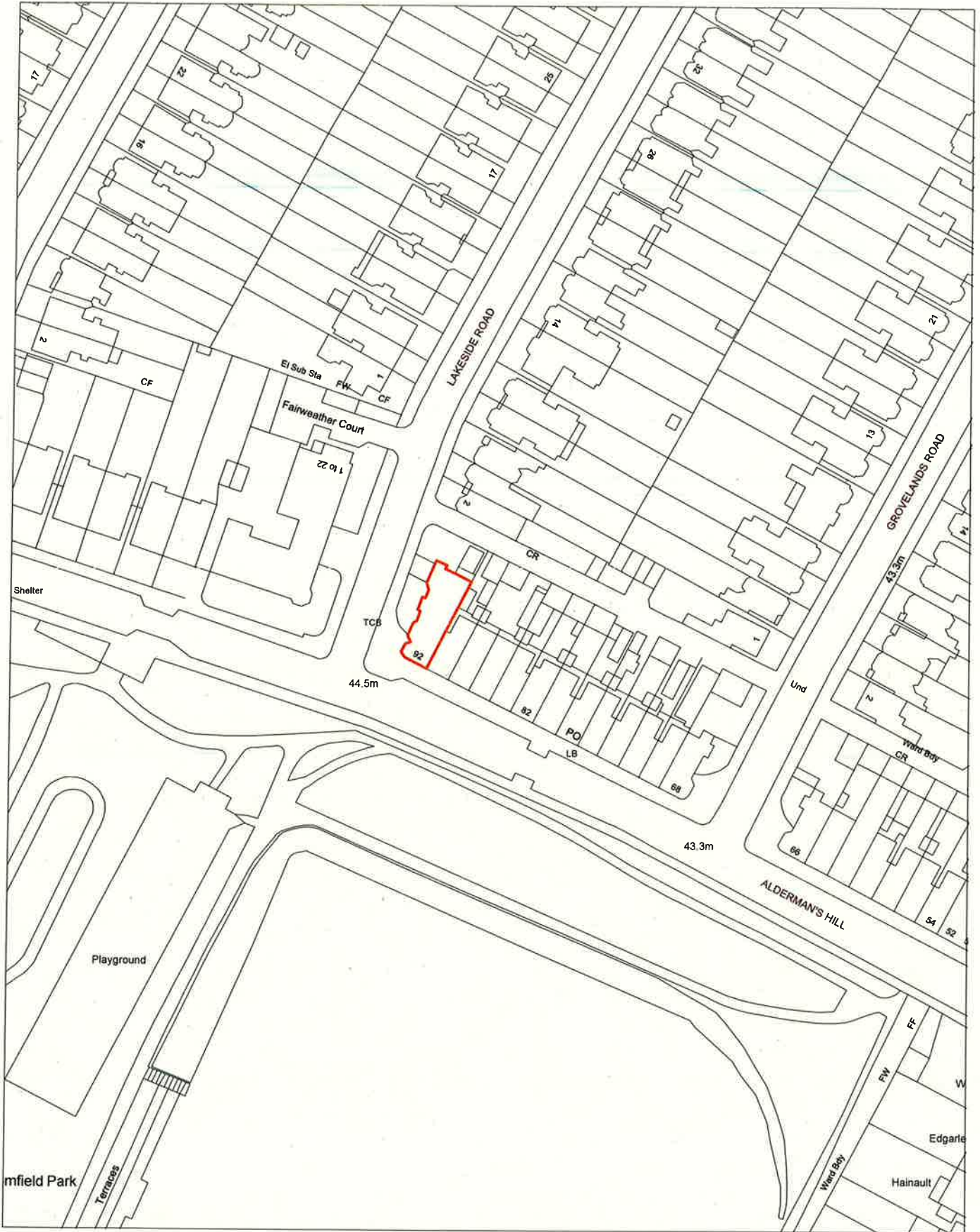
- 4.13 No licence is required for the performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- 4.14 No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises,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

Decision:

- 4.15 As a matter of practice, the Sub-Committee should seek to focus the hearing on the steps considered appropriate to promote the particular licensing objective or objectives that have given rise to the specific representation and avoid straying into undisputed areas [Guid 9.36].
- 4.16 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:
 - 4.16.1 the steps that are appropriate to promote the licensing objectives;
 - 4.16.2 the representations (including supporting information) presented by all the parties;
 - 4.16.3 the guidance; and
 - 4.16.4 its own statement of licensing policy [Guid 9.37].
- 4.17 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 :
 - 4.17.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 4.17.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 4.17.3 to refuse to specify a person in the licence as the premises supervisor;
 - 4.17.4 to reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 8379 8453



The Black Horse, Public House, 179 Hertford Road, ENFIELD, EN3 5JH



- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

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

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a
 statutory function or
 a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input 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)					

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 Mr Aykut Sonmez Hilmi
Address 65 palmerston Crescent Palmer Green London N13 4UD
Registered number (where applicable) 09593813
Description of applicant (for example, partnership, company, unincorporated association etc.) Director of 'Starfish & Coffee House Limited'
Telephone number (if any) 07957 319985
E-mail address (optional) aykuthilmi@yahoo.co.uk

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
03	08	2015

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

DD	MM	YYYY

Please give a general description of the premises (please read guidance note 1)
 It's a high end coffee shop that serves food and is also an Art gallery

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 any that apply |
|---|-------------------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input checked="" type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input checked="" type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input checked="" type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input checked="" type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input 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"/> |
| <u>Provision of late night refreshment</u> (if ticking yes, fill in box I) | <input type="checkbox"/> |
| <u>Supply of alcohol</u> (if ticking yes, fill in box J) | <input checked="" type="checkbox"/> |

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	8	10	Please give further details here (please read guidance note 3) Movies to be shown from a projector onto a wall for background visual	Both	<input type="checkbox"/>
Tue	8	10			
Wed	8	10	State any seasonal variations for the exhibition of films (please read guidance note 4)		
Thur	8	10			
Fri	8	10	Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat	9	10			
Sun	9	10			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)
Day	Start	Finish	
Mon	8	10	SHOWING OF SPORT EVENTS FROM PROJECTOR ON A WALL INSIDE FOR MAJOR EVENTS, LIKE 'TOUR DE FRANCE', 'WORLD CUP' ETC
Tue	8	10	
Wed	8	10	State any seasonal variations for indoor sporting events (please read guidance note 4)
Thur	8	10	
Fri	8	10	Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5) No, SOMETIMES AT THE WEEKEND OR DURING THE DAY.
Sat	9	10	
Sun	9	10	

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon	8	10	Please give further details here (please read guidance note 3) SINGLE PLAYER LIKE SINGER OR SAXOPHONE PLAYER		
Tue	8	10			
Wed	8	10	State any seasonal variations for the performance of live music (please read guidance note 4)		
Thur	8	10			
Fri	8	10	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 (please read guidance note 5) THESE ARE STANDARD TIMES BUT SOMETIMES WE WONT HAVE LIVE MUSIC - ONLY OCCASIONAL MAYBE FOR TWO HOURS OF MUSIC BUT HAVE SELECTED THESE HOURS AS BOUNDARIES		
Sat	9	10			
Sun	9	10			

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both</u> – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon	8	10	Please give further details here (please read guidance note 3) MUSIC FOR BACKGROUND MUSIC FROM CD	Both	<input type="checkbox"/>
Tue	8	10			
Wed	8	10	State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Thur	8	10			
Fri	8	10	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 (please read guidance note 5) No		
Sat	9	10			
Sun	9	10			

J ✓

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – please tick (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Mon	12	9.30			
Tue	12	9.30			
Wed	12	9.30pm			
Thur	12	9.30			
Fri	12	9.30			
Sat	11	9.30			
Sun	11	9.30	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) Consumption should be with food and it will be served on the outside tables as well		

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

Name	Mr Aykut Sonmez Hilmi
Address	65 Palmerston Crescent Palmer's Green London
Postcode	N13 4UD
Personal licence number (if known)	AN/201500384
Issuing licensing authority (if known)	Enfield Council

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

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

We are not that kind of establishment but we will cooperating with the public and the local police to make sure we are a tight-knit community and do not tolerate violence or too much drinking as we are a coffee shop and Art gallery.

b) The prevention of crime and disorder

Drinking vessels shall be made of toughened glass or plastic and shall be designed not to have a sharp edge when broken.

c) Public safety

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 / from until closing.

Suitable beverages other than alcohol (including drinking water) shall be equally available for consumption with or otherwise as ancillary to table meals.

d) The prevention of public nuisance

Supervisory staff shall ensure that no patrons remain in the external seating area to the front of the premises after 9pm, except to enter or leave the premises. All moveable external seating shall be removed, where practicable, by 8pm

e) The protection of children from harm

Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 6pm.

Checklist:

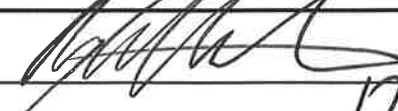
Payment 1190 Please tick to indicate agreement
 Ref: 466 9946
 WORLD PAY REF: 4259805087

- I have made a payment has been done online. Ref: 466 9946
- 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 designated 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 SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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	128/7/2015
Capacity	Director / owner

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) 65 Palmerston Crescent Palmers Green London			
Post town		Postcode	N13 4UD
Telephone number (if any)	07957 319985		
If you would prefer us to correspond with you by e-mail, your e-mail address (optional) aykuthilmi@yahoo.co.uk			

Consent of individual to being specified as premises supervisor

Mr Aykut Sonmez Hilmi

I
[full name of prospective premises supervisor]

of
Starfish & Coffee House Limited

65 Palmerston Crescent, London, N13 4UD

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premise License

[type of application]

by
Mr Aykut Sonmez Hilmi

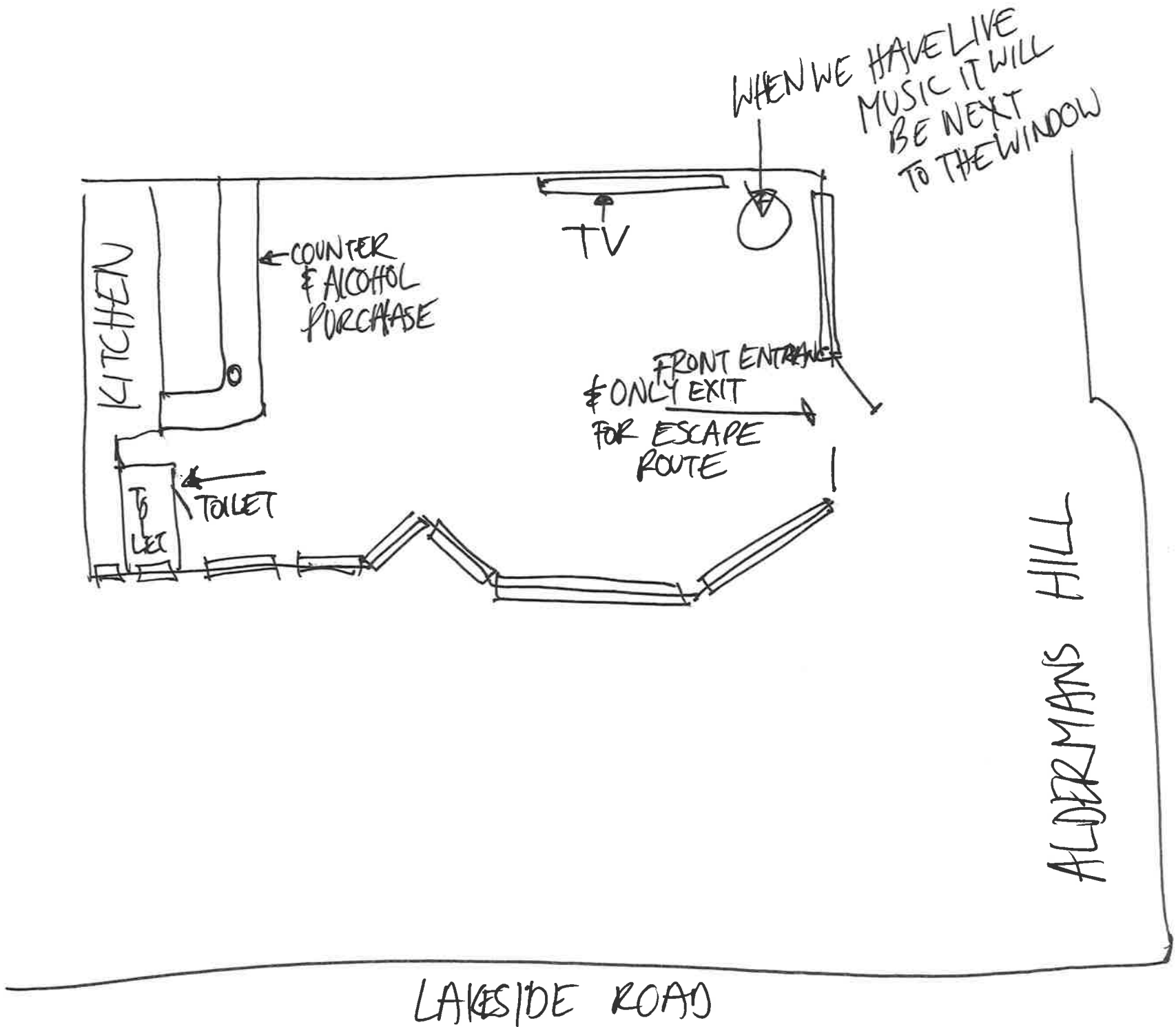
[name of applicant]

relating to a premises licence

[number of existing licence, if any]

for
Starfish & Coffee
92 Aldermans Hill
London
N13 4PP

[name and address of premises to which the application relates]



35 Lakeside Road
LONDON N13 4PS



Wednesday August 12th

Dear Head of Trading Standards and Licensing,

Starfish & Coffee
Re: 92 ALDERMAN'S HILL N13 4UD – alcohol, TV, music, entertainment

We would like it to be known that we object very strongly to this application on the following grounds:

This is a very inappropriate application for a **quiet residential area** with families and elderly people. It is a small premises on the corner of a residential road within a conservation area – music, TV, chairs on the street, entertainment and alcohol suggest a bar.

This would bring noise, traffic and drunken and unruly behaviour and a risk to public safety.

Extra cars in an area that is already crowded with cars and has limited parking, particularly at night because it is primarily residential.

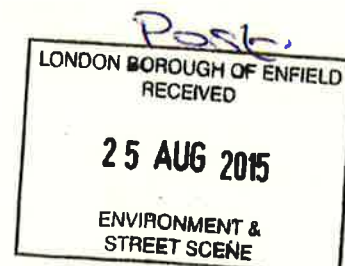
No thought has gone into what we actually do need and what **would** complement the recent developments. We have a wonderful park, a community café, an award winning community orchard. What about a bakery or a butchers or a cycle shop. **Something that is really needed and will enhance the area.** Enfield has shown fantastic support for locally sourced food and for the cycle scheme. This premises could build on that.

PLEASE NOTE: :

I only became aware of the notice yesterday although I pass the premises every day, and several residents have confirmed that the application was definitely not displayed in the window before 8th/9th August. Therefore Mr Aykut Hilmi has not fulfilled his duty in displaying the completed notice for 'not less than 28 consecutive days from 28th July' so we would also like the response period to be extended.

With best wishes,

Ian Atkinson and Jules Wilkinson



P.S Apologies for crumpled letter - caught in rain.

IP 2

Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 03 September 2015 12:59
To: Gill Aylott
Subject: FW: Objection to Premises Licence -92 Aldermans's Hill N.13 [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

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

From: J PAPA [mailto:joosehpapa@btinternet.com]
Sent: 03 September 2015 12:51
To: Licensing
Subject: Objection to Premises Licence -92 Aldermans's Hill N.13

Dear Sir,

re. proposed 'Starfish and Coffee' shop - 92 Alderman's Hill, N.13

We have lived at 37 Lakeside Road since 1968 and I have never written to object about anything before but I would ask you to reconsider the license of seating for 16/24 people - six tables of four people - outside this proposed new coffee shop.

From what I have read: alcoholic drinks to be served inside and outside the premises from midday to 9.30 p.m. every day. This will be directly opposite Fairweather Court - a home for the elderly. I believe the windows in Fairweather Court are single glazed, not double glazed so if this venture is successful - that is a lot of noise on every day of the week until at least 9.30 p.m. at least. That is not fair.

The food served outside is due to be sandwiches and alcohol. That does not suggest it is a restaurant - more a pub. The permanent outdoor seating (proposed Y shape) could increase 'out of hours' drinking. It is right next to the alleyway which runs behind the shops. That alleyway with all the rubbish piled at the end is an "eye sore" already - never mind add all the cigarette butts that will accrue. Often there ends up with more people outside a pub/cafe than inside since the 'No Smoking' Ban.

I hate the idea of having to write objecting. It would be great to see a lovely coffee shop practically opposite the park gates succeed but drinking until 9.30 p.m. with TV, live and recorded music, a sporting licence - for the football, boxing, darts, I imagine - right opposite an old peoples' home. The poor devils have enough to cope with the traffic noise if they have no double glazing - now they will be able to hear the cheers from the football - can you imagine???

You are the people with authority - I feel I just have to register our objection on this occasion.

Yours faithfully

Elaine Papa and Joseph Papa

Classification: UNCLASSIFIED

IP 3

Gill Aylott

From: Sue Cook <susanannecook@gmail.com>
Sent: 03 September 2015 23:52
To: Licensing
Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer
Subject: 92 Aldermans Hill N13 4PP

78 Lakeside Road
Palmer's Green
London N13 4PR

Licensing Team,
B Block North,
Civic Centre,
Silver Street,
Enfield, EN1 3XA
Or by email to licensing@enfield.gov.uk

Dear Sir or Madam

92 Aldermans Hill: Premises licence application for "a high end coffee shop"

We wish to place on record our objection to the granting of this licence on the grounds that the proposed development will be a public nuisance because:

- a. The proposed outside seating area for up to 16/24 people is just across the road from a home for the elderly, Fairweather Court. The windows in Fairweather Court are single glazed and occupants in flats directly opposite are concerned about late night noise. Service of food and beverages, both alcoholic and non-alcoholic from early morning until late at night is likely to disturb residents in the home and in Lakeside Road and on Aldermans Hill. We note that Baskervilles (the nearest local comparator to the proposed 'coffee shop') takes in its two small tables and four chairs at 5.30pm.
- b. The use as A1, which limits the type of food provided to sandwiches, with a drinks licence suggests that drinking rather than eating could be the predominant outside activity which will have an impact on the behaviour of patrons. This might give the 'Starfish and Coffee Shop' some of the characteristics of a sports bar (or – at least - a bar serving snacks) rather than a restaurant with a licence to allow drinks to be served with food.
- c. The arrival and departure of customers will disturb residents in Lakeside Road, particularly those living closest to the premises.
- d. Such numbers of people drinking outside in the evenings could be intimidating for residents, particularly women or children who have to walk past them
- e. The arrival of customers will increase pressure on parking space in Lakeside Road (already heavily parked) to the further detriment of residents.
- f. Permanent outdoor seating (the proposed Y shaped bench) will further encourage the 'out-of-hours' drinking and anti-social behaviour that has already occurred on the corner at the junction of Aldermans Hill and Lakeside Road, and the junction between Lakeside Road and the service road that runs behind Aldermans Hill. There will be consequential increases in the littering of drink cans, spirit bottles and cigarette butts on Lakeside Road between Aldermans Hill and the service road that runs behind Aldermans Hill.

We urge the Borough to either reject this application for a licence; or seek changes to the licence conditions that will serve to mitigate the concerns we have expressed above.

Yours Sincerely,

Susan A Cook

Stephen T Cook

Copies to:

Cllr. Dinah Barry: The Labour Group Office, Civic Centre, Silver Street, Enfield EN1 3XA or Cllr.Dinah.Barry@Enfield.gov.uk

IP 3
Continued

Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 07 September 2015 08:47
To: Gill Aylott
Subject: FW: licence objection 92 Aldermans Hill [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

From: Sue Cook [mailto:susanannecook@gmail.com]
Sent: 07 September 2015 08:33
To: Licensing
Cc: Andy Barker; Becky Tanner; Don Arthur; Frances Carman; Gonul Daniels; Paul Mandel; Richard Mapleston; Sue Cook; Sue Younger; Tina Mathiason; Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer; Cllr Daniel Anderson
Subject: licence objection 92 Aldermans Hill

Fox Lane & District

Residents' Association

www.foxlane.net

Licensing Team,
B Block North,
Civic Centre,
Silver Street,
Enfield, EN1 3XA
Or by email to licensing@enfield.gov.uk

Objections to the Premises Licence for 92 Alderman's Hill 'Starfish and Coffee' shop.

I am writing on behalf of Fox Lane and District Residents Association (FLDRA) and in support of those of our members living on Lakeside Road and its environs who have submitted their objections to the above application.

FLDRA would like the Licensing authority to consider the following objections on the grounds that they will create a public nuisance:

1. A licence to serve alcoholic drink from midday until 9.30pm every day in the outside pavement seating area for up to 16/24 people (4/6 tables each with 4 chairs) on the corner of Lakeside Road will create noise and disturbance for local residents. It is of particular concern for the residents of the home for the elderly in Fairweather Court which is directly opposite the outside area.
2. Other similar premises in Alderman's Hill have only one or two small tables outside eg. Baskervilles Tea shop has seating for only 4 people and tables and chairs are taken in at 5.30pm.
3. The use as A1, which limits the type of food provided to sandwiches, with a drinks licence suggests that drinking rather than eating could be the predominant outside activity which will have an impact on the behaviour of patrons. This might give the 'Starfish and Coffee Shop' some of the characteristics of a sports bar (or – at least - a bar serving snacks) rather than a restaurant with a licence to allow drinks to be served with food
4. Some local residents have said that they would find it intimidating to walk past the premises on their own in the evening with up to 24 people drinking outside.
5. Permanent outdoor seating (the proposed Y shaped bench) will further encourage the 'out of hours' drinking and anti-social behaviour that has occurred on this corner and at the junction between Lakeside Road and the service road that runs behind Alderman's Hill. There will be consequent increases in the littering of drink cans, spirit bottles, cigarette butts and food wrappers in this area.
6. Given the existing persistent problems with refuse disposal and collection in the service road, the inconvenience and unpleasantness imposed on residents and the additional costs incurred by the council in arranging special collections and clean-ups, we are dismayed to note that no provision has been made in the planning application for the storage and disposal of waste and recyclable materials.
7. The arrival and departure of customers will cause disturbance to those living nearby and will increase pressure on parking spaces in Lakeside Road which is already a heavily parked area.

IP4

Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 04 September 2015 14:50
To: Gill Aylott
Subject: FW: Proposed cafe at corner of Lakeside Road, N13 [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

From: Margaret Gourd [<mailto:mgourd@hotmail.co.uk>]
Sent: 04 September 2015 14:32
To: Licensing; cllr.; cllr.; cdl.ertan.hurer@enfield.gov.uk
Subject: Proposed cafe at corner of Lakeside Road, N13

To all concerned

As a resident of Lakeside Road, I wish to log my objection to the proposed license for the premises at the end of the road. Although the would-be proprietors have assured residents that the cafe they wish to open will be a civilised community meeting place, we are all aware that the granting of a license to serve alcohol and to remain open until late in the evening could cause noise and unruly behaviour by some customers. In any case, we have found out that if ownership changes at some point in the future, the license will remain and could lead to a very different kind of establishment.

As I am sure you are aware, there is an elderly people's home opposite the premises and many elderly people living in Lakeside Road, as well as families with young children. A residential area such as ours is certainly not appropriate for an establishment with the license requested. In addition, parking is already a problem in the vicinity.

I trust you will give serious consideration to my concern, which I know is shared by the majority of residents in my local area, and reject the application.

Yours faithfully,

Margaret Gourd

12 Lakeside Road, N13 4PR

Classification: UNCLASSIFIED

IP5

Gill Aylott

From: margaret mauder <mmauder3@gmail.com>
Sent: 03 September 2015 16:53
To: Licensing
Subject: 92 Alderman's Hill

I understand a licence has been applied for to serve drink from mid-day until 9.30pm each day of the week, and sometimes up until 10 o'clock. I also understand that they want to put tables and chairs outside in Lakeside Road - up to 6 tables with chairs for 14 people. The flats opposite are sheltered accommodation for elderly people who will have to bear the brunt of listening to people drinking and getting louder and louder, as they do when they have had a few drinks, as well as live music and taped music. I understand also there is to be a fixed bench (whatever that means) also outside in Lakeside Road. I don't know what the Law is for outside seating but every other café, restaurant in Alderman's Hill has just two small tables plus two chairs each. Also up Green Lanes, Palmers Green and even on to Winchmore Hill.

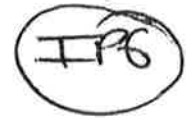
I am writing to say I object strongly to this licence for Alcohol being given to this coffee bar.

Gill Aylott

From: margaret mauder <mmauder3@gmail.com>
Sent: 04 September 2015 16:52
To: Gill Aylott
Subject: 92Alderman's Hill.

Yes I do wish my objection to be included with the others.

Miss M Mauder
38 Lakeside Road
Palmers Green, N13 4pr



Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 04 September 2015 17:00
To: Gill Aylott
Subject: FW: 92 Aldermans Hill - Premises Licence [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

From: M Duclos [<mailto:pmoc23@hotmail.co.uk>]
Sent: 04 September 2015 16:33
To: Licensing
Cc: Cllr Ertan Hurer; Cllr Elaine Hayward; Cllr Dinah Barry
Subject: 92 Aldermans Hill - Premises Licence

Dear Sir or Madam

Ref :- 92 Aldermans Hill: Premises licence application.

Whilst I welcome the potential opening of a new coffee shop and art gallery at this location, I have some concerns about the granting of this licence on the grounds that the proposed development will be a public nuisance because:

- a. The proposed outside seating area for up to 16/24 people is just across the road from a home for the elderly, Fairweather Court. The windows in Fairweather Court are single glazed and occupants in flats directly opposite are concerned about late night noise. Service of food and beverages, both alcoholic and non-alcoholic from early morning until late at night is likely to disturb residents in the home and in Lakeside Road and on Aldermans Hill. We note that Baskervilles (the nearest local comparator to the proposed 'coffee shop') takes in its two small tables and four chairs at 5.30pm.
- b. The use as A1, which limits the type of food provided to sandwiches, with a drinks licence suggests that drinking rather than eating could be the predominant outside activity which will have an impact on the behaviour of patrons. This might give the 'Starfish and Coffee Shop' some of the characteristics of a sports bar (or – at least - a bar serving snacks) rather than a restaurant with a licence to allow drinks to be served with food.
- c. The arrival and departure of customers will disturb residents in Lakeside Road, particularly those living closest to the premises.
- d. Such numbers of people drinking outside in the evenings could be intimidating for residents, particularly women or children who have to walk past them
- e. The arrival of customers will increase pressure on parking space in Lakeside Road (already heavily parked) to the further detriment of residents.
- f. Permanent outdoor seating (the proposed Y shaped bench) will further encourage the 'out-of-hours' drinking and anti-social behaviour that has already occurred on the corner at the junction of Aldermans Hill and Lakeside Road, and the junction between Lakeside Road and the service road that runs behind Aldermans Hill. There will be consequential increases in the littering of drink cans, spirit bottles and cigarette butts on Lakeside Road between Aldermans Hill and the service road that runs behind Aldermans Hill.

I request that the Borough to either reject this application for a licence; or seek changes to the licence conditions that will serve to mitigate the concerns expressed above.

Yours Sincerely,

IP7

Gill Aylott

From: Ellie Green
Sent: 07 September 2015 07:23
To: Gill Aylott
Subject: FW: Fwd: Objections to the Premises licence application for 92 Alderman's Hill

Dear Gill,

Please log this IP rep onto M3 , and confirm receipt if that is usual practice?

Many thanks

Ellie

From: Susan Younger [<mailto:susan.younger@btopenworld.com>]
Sent: 05 September 2015 13:22
To: Ellie Green
Subject: Fwd: Fwd: Objections to the Premises licence application for 92 Alderman's Hill

Dear Principal Licensing Officer

We are forwarding our objections to the Premises Licence application for 92 Alderman's Hill to you as we want to ensure that it is received by the deadline of 8th September (28 days from 11 August).

Colin and Sue Younger

----- Forwarded Message -----

Subject:Fwd: Objections to the Premises licence application for 92 Alderman's Hill

Date:Sat, 5 Sep 2015 01:04:51 +0100

From:Susan Younger <susan.younger@btopenworld.com>

To:licensing@enfield.gov.uk

CC:Cllr Dinah Barry <cldr.dinah.barry@enfield.gov.uk>, cldr.elaine.hayward@enfield.gov.uk,
cldr.ertan.hurer@enfield.gov.uk

Apologies for mistyping the email address

----- Forwarded Message -----

Subject:Objections to the Premises licence application for 92 Alderman's Hill

Date:Fri, 4 Sep 2015 18:39:05 +0100

From:Susan Younger <susan.younger@btopenworld.com>

IP 8

Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 07 September 2015 08:46
To: Gill Aylott
Subject: FW: 92 Aldermans Hill [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

From: Helen Horan [<mailto:mrshrhoran@gmail.com>]
Sent: 04 September 2015 17:48
To: Licensing
Subject: Fwd: 92 Aldermans Hill

----- Forwarded message -----

From: Helen Horan <mrshrhoran@gmail.com>
Date: 4 September 2015 at 17:41
Subject: 92 Aldermans Hill
To: licensing@enfield.gov

14 Lakeside Road
Palmers Green
London N13 4PR

Licensing Team,
B Block North,
Civic Centre,
Silver Street,
Enfield, EN1 3XA

Dear Sir or Madam

92 Aldermans Hill: Premises licence application for "a high end coffee shop"

I wish to place on record my objection to the granting of this licence on the grounds that the proposed development will be a public nuisance because:

- a. The proposed outside seating area for up to 16/24 people is just across the road from a home for the elderly, Fairweather Court. The windows in Fairweather Court are single glazed and occupants in flats directly opposite are concerned about late night noise. Service of food and beverages, both alcoholic and non-alcoholic from early morning

IP9

38a, Lakeside Road

Palmers Green

London

N13 4PR

5th September 2015

Re: 92 Alderman's Hill Ref 15/303452/FUL

Objections to the Premises Licence for 92 Alderman's Hill 'Starfish and Coffee'

I would like the Licensing authority to consider the following:

- 1. A licence to serve alcoholic drink from midday until 9.30 pm every day in the outside pavement seating area for 4/6 tables with the corresponding 16/24 chairs on the pavement area is excessive. This will create noise and a disturbance for local residents. It is of particular concern for the residents of the home for the elderly who live opposite this building.**
- 2. All other cafe's or restaurants have only a couple of tables and Baskervilles shut by 6 and bring their tables in.**
- 3. I would find it intimidating to walk past this building at night with up to 24 people drinking.**
- 4. Permanent outdoor seating (Y shaped bench) will further encourage the 'out of hours' drinking and anti-social behaviour that has occurred on this corner and at the junction between Lakeside Road and the service road that runs behind Alderman's Hill. There will be more litter when this is already a problem. When I go to work in the morning the rubbish on Alderman's Hill/end of Lakeside road is appalling.**
- 5. The arrival and departure of customers will cause disturbance to us living nearby and will increase pressure on parking spaces in Lakeside Road which is already a heavily parked area. (I often cannot park on the road already)**

I have lived in this area (Ulleswater Road and then Lakeside Road for 31Years). I do not object to a coffee shop but consider that an alcohol licence which allows for the drinking of alcohol until 9.30 in an outside pavement area is not suitable for the corner of a residential road.

Yours sincerely

Mrs J Chambers

Gill Aylott

From: Rose McMurray on behalf of Licensing
Sent: 07 September 2015 08:46
To: Gill Aylott
Subject: FW: Premises Licence for 92 Aldermans Hill [SEC=UNCLASSIFIED]

Classification: UNCLASSIFIED

IP10

From: Barry Ely [mailto:bely@elymail.net]
Sent: 04 September 2015 17:10
To: Licensing
Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer
Subject: Premises Licence for 92 Aldermans Hill

Road

39 Lakeside

Palmers Green

London N13

4PS

licensing@enfield.gov.uk

Dear Sir,

92 Aldermans Hill: Premises Licence Application for Coffee Shop

I wish to lodge an objection to the proposed premises licence for the "Starfish and Coffee Shop" at 92 Aldermans Hill

The shop is applying for outside seating for up to 24 persons, to be available until 10 o'clock at night. This is inappropriate for a residential street. Not only is it directly opposite a home for the elderly, but because the type of food on sale will only be sandwiches and the like together with alcohol, there is a likelihood that the seating will primarily be used for smoking and drinking. The possibilities of litter, public nuisance and obstruction, not to mention having to run some sort of gauntlet late at night is also not appropriate for a residential turning.

IP11

Gill Aylott

From: Donald Arthur <arthur111@btinternet.com>
Sent: 08 September 2015 10:25
To: Licensing
Subject: 92 Alderman's Hill

Objection to the Premises Licence for 92, Alderman's Hill - Starfish and Coffee Shop.

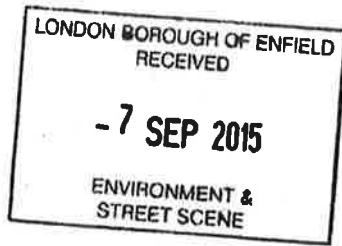
Dear Sir/Madam,

We wish to object to the granting of an alcohol licence to the above premises on the following grounds. As long-time residents of Lakeside Road we feel that it would be detrimental on the corner of a quiet residential street, especially as it would affect the evenings. It has been suggested that initially it would be up to 10 o'clock at night. With their proposal to have a large amount of outside tables it would certainly mean that there could be people occupying the corner space long after this time. There is an old people's home on the opposite corner so the potential for noise and disturbance is totally inappropriate. There are residents living above 92 Alderman's Hill who need to be considered. There is also the possibility of passers-by being harassed by drinkers spilling out onto the pavement.

Yours Sincerely,
Donald & Gloria Arthur
26, Lakeside Road
Palmers Green
N13 4PR

Sent from my iPad

IP12



S PALAZZETTI
 3A LARSSIAE RD
 FINCHES GREEN
 LONDON N.13-4PS
 7.9.15

RE: REQUEST FOR ALCOHOL LICENSE AT 92 ALDINGHAM HILL
 LONDON N.13.

DEAR SIR, OR MADAM

MY FLAT IS ON LARSSIAE RD NEAR CORNER ALDINGHAM HILL
 ANY PREMISES AT 92 ALDINGHAM HILL SO TO LEARN TODAY THAT
 NOT JUST COFFEE SHOP ALARMING.

LIVE MUSIC IS VERY, VERY LOUD FOR MY ENJOYMENT NEIGHBOURS
 ANY FAMILIES WITH CHILDREN. DURING SEVERAL WEEKS BEFORE
 WILL BE CONSUMERS WILL CAUSE DISTURBANCE. YOUNG PEOPLE
 LAUNCHING CAREERS AT SPORTS EVENTS.

IT IS NOTED THAT GENTLEMAN WHO PROPOSES THIS REQUEST
 DOES NOT LIVE NEAR PREMISES ANY WHEN IT CLOSED AT
 9.30 HE CAN GO HOME AND RELAX ANY UNWIND.
 PITY HE WON'T BE TAKING HIS CLIENTS WITH HIM
 WHO WILL LINGER FOR HOURS BUYING ALCOHOL FROM
 OFF-LICENSES AND SITTING AT PERMANENT SEAT.

LITTER AND ANTI SOCIAL BEHAVIOUR WILL BE COME
 UNBEARABLE. OTHER COFFEE SHOPS DO NOT SERVE
 ALCOHOL THE NAME IS MISLEADING.

SURROUND THESE ARE KNOWER PUBS IN AREA THAT HAVE
 LIVE SPORTS AND ALCOHOL ON MAIN ROAD AT GREEN
 LANE.

I PERSONALLY SUFFER FROM PARKINSONS AND SLEEPING
 IS DIFFICULT ENOUGH PLEASE CONSIDER US RESIDENTS.

Yours Faithfully

S Palazzo

~~RAMM~~
SUP 01

Gill Aylott

From: John Phillips <johnnoak@blueyonder.co.uk>
Sent: 03 September 2015 21:46
To: Licensing; David Zabell
Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer
Subject: 92, Aldermans Hill N13

Dear Sir or Madam,

I am writing concerning the proposed licensed coffee shop, together with outside tables, on the corner of Lakeside Road and Alderman's Hill in Palmers Green.

I live at 7, Lakeside Road which is about 100 meters from the proposed venue.

Some residents are very opposed to this plan and will be writing to you, but some of us at this end of the road actually think it is a good idea and wish to give it our support, albeit with safeguards.

Some are rightly concerned that there might be noise late at night but this problem could be simply overcome by restricting the licence to, say, 9.00pm and requiring the outside tables and chairs to be locked away then. This would ensure that they are not used by late night revellers with their own refreshments obtained from nearby off licenses. For this reason there should not be any fixed seating. Also a maximum of perhaps ten outside chairs would ensure the pavement is never blocked.

This particular corner is rather scrappy and untidy and has been the location for some minor anti-social behaviour in the past. We think that the existence of the coffee shop will mean that the area is 'policed' to a certain extent and that the immediate environment could be greatly improved. Those of us who have taken the trouble to speak to the proprietor have been impressed with his ideas and enthusiasm and feel the enterprise will be an asset to the area as he will exercise some control.

I have no problem with people enjoying a glass or wine or beer in the open air, and the idea put about that it would be intimidating for women walking past is one that my wife and daughter find deeply patronising. This enterprise should be given a chance. If it causes problems the licences can presumably always be revoked.

Yours sincerely
John Phillips

Gill Aylott

From: Cllr Dinah Barry
Sent: 07 September 2015 15:16
To: Gill Aylott
Subject: FW: 92 Aldermans Hill: Planning Application for a change of use of the public footpath to external seating area
Attachments: Premises Licence_V01_150903.doc; ATT00001.htm; Planning Application_V01_150903.doc; ATT00002.htm

FYI

*Dinah Barry**Councillor: Winchmore Hill ward***Phone: 07812 673023****Ward Surgery: First and third Saturday of each month, 4.00-5.00pm Winchmore Hill Library****Ward Forum: The Burford Hall, Burford Gardens, N13, Monday 28 September 2015 7.30 – 9.30****From:** Yannis Lagogiannis [<mailto:yan1212@mac.com>]**Sent:** 07 September 2015 12:01**To:** Development Control**Cc:** Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer**Subject:** 92 Aldermans Hill: Planning Application for a change of use of the public footpath to external seating area

Dear Development Control team,

I am writing regarding the **premises licence application for “a high end coffee shop” at 92 Aldermans Hill** and also for the **planning application for a change in the use of the public foot path (Ref. No: 15/03542/FUL)** for the same address.

Since the applications were submitted and works began at the premises of 92 Aldermans Hill, a handful of Lakeside Rd residents started a rather biased scare campaign against the development of the business property and have been actively trying to terrorise residents by appropriating the information submitted in the applications. They portray the development of the property as something that will cause massive disruptions in the life of residents by painting a vivid picture (based only on their appropriated assumptions) of drunken customers harassing residents (in particular elderly ones), loud music blasting from early morning till late at night, fights breaking out, drunks urinating in the streets etc. These are all exact quotes taken from various emails sent to local residents!

I find this kind of appropriation unacceptable, especially as nothing in the planning application and premises license, which I have taken the time to study, indicates this kind of intention and clearly meets the legal requirements for this type of business. It is clear that the new proposed business does not agree with their taste, their own view of what type of business should exist in Aldermans Hill and more importantly how it should operate. Based on that they have taken it upon themselves to construct a biased view of reality and are trying to manipulate other residents into forwarding their views!

I have personally witnessed a rather aggressive scare campaign via email and website forum posts ([link here](#)). They appear to have terrorised the elderly residents of the care home opposite the property into thinking this business will make their life miserable! I am attaching to this email two draft letters that this handful of residents have forwarded to many other Lakeside road residents via email, urging them to send these letters to you in the hope of blocking the applications.

I am disgusted by these biased tactics, and for this reason I have decided to write to you in support of the application. I am aware of a number of residents who also welcome this new business (some are residents who live practical next door to the business and have apparently spoken to the new owner) but who are not as organised or vocal as the scaremongers are and will possibly not be writing to you.

I want to declare that I am not acquainted and have absolutely no connection with the applicants, landlord or anyone else involved with this new business. I decided to write to you on my own initiative as another Lakeside Road resident who supports the development of new family-owned businesses in Palmers Green.

Yours Sincerely,

Email Trail between LA, Applicant, and Local Residents

Email 1: From Applicant to Principal Licensing Officer

From: aykuthilmi@yahoo.co.uk [mailto:aykuthilmi@yahoo.co.uk]

Sent: 16 September 2015 15:20

To: Ellie Green

Subject: Re: 1st Email to Applicant: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ellie Green,

Thank you for your letter. I would be grateful if I could respond to those representations to re assure them of our intentions. Also, we have an issue with the date of the sub commuter meeting that we would also be more than happy to attend as we opens towards the beginning of October and would need to rectify this before then as our rent being does depend on it. I can say that I feel that we have been more than patient with this and have been completely helpful at all times with the public, which is why I feel some of these objections were made at the beginning of the premise notice being displayed before they had had the opportunity to speak to my wife and I about what we were bringing to the shop as one said they would of preferred a bakery which is exactly what we are doing by selling freshly baked organic bread every day. I feel that some of these representations have been done by too quick a judgement. I would appreciate to contact these people even better still I would like to have a meeting with them all to explain to them the shop in one go if possible. What are your thoughts on this?

Kind Regards,

Aykut Hilmi

07957 319985

Email 2: From Applicant to Local Residents via Principal Licensing Officer

From: aykuthilmi@yahoo.co.uk [mailto:aykuthilmi@yahoo.co.uk]

Sent: 17 September 2015 14:31

To: Ellie Green

Subject: Re: 1st Email to Applicant: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ellie,

Our letter to the residents is below;

Dear Lakeside Resident,

We are writing to you concerning our new coffee house on 92 Aldermans Hill. We have received your objections from Ellie Green who is dealing with our application for a premise license and outdoor seating license. After going through your emails and letters stating your concerns and objections we realized that we need to clarify and rectify some of the information you have obtained about our establishment and our application. It is of the utmost importance that you have the correct information therefore we suggest to set up a meeting where we can come together to discuss the concerns you have and to clarify our business mission. In the meantime we have put down as much detail as we can about given concerns:

- Our opening hours will be Mon-Fri 8am-4.30pm, Sat 9am-6pm and Sun 9am-4pm
- Once a month we will have private showings of artwork where we will open to 9pm. This may be on a week day but most likely at the weekend. This is to give local artists a chance to invite their own guests for a private showing before the display is available for the public to see. On these occasions we also plan to sell alcohol.
- Our establishment is primarily a high end coffee House that will sell pastries, fresh Italian sandwiches, salads as well as a selection of daily freshly baked organic bread to the public to enjoy at home. Our coffee will be supplied from 'Nude' coffee roasters in Brick Lane and our food will be locally sourced. We are believers in supporting local communities and businesses and this will be our mantra for our Coffee Art House. We will also offer a small selection of carefully selected wines, local bottled beers and Prosecco for our customers to enjoy with perhaps a cheese board or charcuterie. Alcohol will be available from 12 -4 on weekdays, 12-6 on Saturdays and 12-4 on Sundays.(on the days of art events till 9pm). Our art wall will have monthly displays from local

artists that wish to show and sell their work to the public. We already have some amazing local artists onboard that are very excited to be given a free gallery space.

- We are not a late bar, sports bar or a live entertainment bar. We do not believe Aldermans Hill needs one of those establishments neither do we want to work in them. We are a family with two small children who we want to spend time with. Therefore our opening times are mainly during the day. We will of course play background music like most coffee houses do and on some occasions we plan to have solo musicians: for example a guitarist or a saxophonist to play some jazz music for a couple of hours during the day on a Saturday afternoon. We also have plans to show some of the major sports events (Wimbledon , Tour de France etc) on a Tv screen. However these will only be shown NOT heard. Please note : NO SOUND.
- Regarding the proposed outdoor seating the Highway man has given us permission for up to 25 square meters and we have decided to only use 10m² that consist of 6 bistro tables that fit two people on each so that's a total of 12 chairs and a stool. The tables will be placed outside during our opening hours but will be brought into the shop at the end of the day. (please refer to our opening times not the maximum hours on the application) They will in effect be outside mainly during the summer months. We would like to incorporate cooked Brunch at the weekend for the local residents and thought it would be a lovely spot to sit and enjoy the view. We also want to give dog owners/ cyclists a place to sit and enjoy a cup of coffee with their dogs / bicycles by their side. We have spoken to some of the residents and the Manager John at the Fairweather care home opposite our shop. They seem happy about the shop and voiced no concerns about the outdoor seating. Neither did the residents of the flats above our premises. (we have the same freeholder).
- Our Shop operates mainly during the day and we expect most of our customers to be local residents so we don't foresee our shop causing any more issues with parking than you are currently experiencing.
- We have been made aware that there has been anti social behavior on that particular corner surrounding the phone box. We are currently in discussions with the council to have it removed as it has been vandalized for a long time and feel that this would help deter this kind of illegal business. We are hoping that our outside CCTV cameras will also help stop the anti social behavior altogether.
- Before pursuing this project we did a lot of research in the area and have put a lot of thought into what the community needs. We truly believe that we will bring something social and cultural to this affluent area and by using and promoting local businesses and artists we don't see how this can be anything

but positive. We do appreciate your involvement and concern for the area and it's important to us to have a good relationship with the locals residents especially as we are locals ourselves. (Aykut has lived most of his life on Derwent Road). We know this area and have enjoyed long friendships with many of the local residents and with local businesses. We have had so many positive remarks and vocal feedback about our new project that we are a little surprised about these strong objections. But considering they are based on an establishment that bears no resemblance to what we are proposing we are hoping that you will take another view on our family business after reading this letter.

We would like to invite you to a meeting with a representative from the licensing committee to discuss your points and to find a possible solution.

THE VENUE:

It will have to be confirmed but we are proposing The Inn on the Green on Green Lanes as the most suitable for our numbers and for it's location.

THE DATE:

30th september at 8pm.

Yours Sincerely,

Aykut and Ingrid Hilmi

Email 3: Between Principal Licensing Officer and IP2

3.1 From: josephpapa@btinternet.com [mailto:josephpapa@btinternet.com]

Sent: 19 September 2015 07:38

To: Ellie Green

Subject: Re: 2nd Email to IP2: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Thank you for all the information and all your hard work.

It sounds like a wonderful project and I look forward to popping in.

I am happy to withdraw my representation.

I cannot make that meeting but no doubt my husband will go along.

Thanks again.

Elaine Papa

3.2 From: Ellie Green

Sent: 23 September 2015 15:31

To: 'josephpapa@btinternet.com'

Subject: RE: 2nd Email to IP2: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Mrs Papa

Many thanks for your email and confirming that you withdraw your representation.

Kind regards

Ellie

Ellie Green

3.3 From: josephpapa@btinternet.com [mailto:josephpapa@btinternet.com]

Sent: 24 September 2015 09:31

To: Ellie Green

Subject: Re: 2nd Email to IP2: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Hello Ellie ...if i may call you that.....

I withdraw my objection but I cannot speak for my husband. Probably have to leave his there.

I think it sounds like a lovely cafe but someone else in the road said to me, if they are opening the hours they say they are why are they applying for longer hours and all the other bits etc. etc. It is what is on the licence granted that matters....fair point.

If this venture fails, which i hope it does not, the licence granted is what counts.

They may close ay 4.30 pm when children are young but no business can work long term closing at that time.

Anyway.....think we better leave the representation in place for my husband at least...he can speak for himself...think he is old enough.....

I am sure it will be sorted in due course.

Regards Elaine Papa

Email 4: From IP11

From: Donald Arthur [mailto:arthur111@btinternet.com]

Sent: 25 September 2015 12:17

To: Ellie Green

Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer; aykuthilmi@yahoo.co.uk

Subject: Re: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ms. Green,

We will not be attending the meeting at the Inn on the Green on 30th. September as it is an inappropriate venue. It is usual for meetings to be held on site, not in a public house.

It is also unseemly to suggest the removal of the public telephone box for a commercial venture.

Yours Sincerely,

D. & G. Arthur.

Email 5: From IP10

From: Barry Ely [mailto:bely@elymail.net]

Sent: 25 September 2015 12:40

To: Ellie Green

Subject: Re: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ellie,

Thanks for this email. I shall be attending the meeting but do not, at this stage, wish to withdraw my objections to the application.

Regards,

Barry Ely

Email 6: From IP4

From: Margaret Gourd [mailto:mgourd@hotmail.co.uk]

Sent: 25 September 2015 22:15

To: Ellie Green

Subject: Re: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Hi, Ellie.

Thanks for your email but I regret that I cannot attend the meeting on 30th.

Kind regards,

Margaret Gourd

12 Lakeside Road

Email 7: From IP8

From: Susan Younger [mailto:susan.younger@btopenworld.com]
Sent: 27 September 2015 14:25
To: Ellie Green; Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer
Cc: aykuthilmi@yahoo.co.uk
Subject: Re: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ellie

RE: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Thank you for your email of 25 September.

We are reluctant to attend this meeting since our concerns can easily be met by aligning the various licence and planning applications with the operating and alcohol sales details set out in Mr Hilmi's email which you have circulated.

We do not doubt the applicants' general aims, but there is no guarantee that their suggested hours and space requirements will be adhered to now or as time passes. The purpose of written regulation, as we understand it, is to ensure that these good intentions are kept to. This will ensure that good neighbourly relations continue.

We welcome the general conditions proposed on the control of noise from inside the café.

Our concerns remain the use of the outside space. It would seem sensible that the alcohol licence differentiates between the outside and inside spaces. Given that the applicants stress that this is a coffee bar, if there is to be an alcohol licence for the outside area (and it's not clear why a coffee bar needs this) this should be limited to 1200- 1600 Monday to Friday and Sunday, 1200-1800 on Saturday with an exceptional once a month extension to 2100. This matches the applicants' 17 September letter, and not the blanket closing time 2130 on the licence application. (See table at annex setting out key timings.)

We would like the use of the pavement to be no later than 1800 in line with the applicants' operating hours. This would also match the use of the pavement by other cafes in Aldermans Hill such as the Plaza café next door and Baskervilles tea shop.

We are also concerned by the references in the Authority's proposed conditions to removing **'moveable external seating...where practicable'**. There should be no furniture left out which would become a magnet for trouble makers. There is a history of drug dealing and drinking in the area and this will lead to its re-appearance.

There are a number of suggestions about how much of the pavement would be used. This is confusing, but in our view given the residential nature of the area (flats above the café and in Fairweather Court opposite) no more space should be allowed as a condition than 2 or 3 bistro tables, not the six suggested in the 17 September letter. This is in line with the use of the pavement at other places along Aldermans Hill. The written conditions should include such limits. As a matter of fact we heard a resident of Fairweather Court expressing concern to Mr Hilmi about the potential problem for noise from outside tables since the person lived immediately opposite the area where the tables are intended to go.

Given our concerns we wish to pursue our representation at this stage unless the Premises Licence is amended as we suggest.

Having set out our concerns we see no need to attend the meeting.

Yours sincerely

Colin and Susan Younger

67 Lakeside Road

Annex

Premises License application	Pavement Planning Application	17 September Applicants' circular
0800-2200 M/F, 0900-2200 S/S	0800-1600 M/F, 0900-2200 S/S	0800- 1630 M/F, 0900- 1800 Sat, 0900- 1600 Sun, then 2100 one night/month
	Licensing Authority Outside Conditions	
	Use no later than 2000, all moveable external seating shall be removed, where practicable, by 2000	
Alcohol Sales Licence app.		
1200-2130 M/F, 1100-2130 S/S		1200-1600 M/F, 1200- 1800 Sat, 1200-1600 Sun, arts events – 2100 once a month

Email 8: From IP11

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

From: Donald Arthur [mailto:arthur111@btinternet.com]

Sent: 27 September 2015 18:22

To: Ellie Green

Subject: 92 Alderman's Hill

Dear Ellie Green,

At this stage we do not want to withdraw our objections regarding the applications to this premises, Yours Sincerely, D.& G. Arthur 26, Lakeside Road, Palmers Green N13 4PR.

Email 9: From IP3 plus attachment

From: Sue Cook [mailto:susanannecook@gmail.com]

Sent: 28 September 2015 12:01

To: Ellie Green

Cc: aykuthilmi@yahoo.co.uk; Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Daniel Anderson; Cllr Alessandro Georgiou; Cllr Claire Stewart; Cllr Ertan Hurer

Subject: premises licence 92 Alderman's Hill

Good morning Ellie

Please find attached our response to your request to attend a meeting on Wednesday evening to discuss the above application.

Kind regards

Sue and Steve Cook

78 Lakeside Road

Sue & Steve Cook

78 Lakeside Road

Palmers Green

London N13 4PR

27th September 2015

Ellie Green, Principal Licencing Officer

Licencing Team

London Borough of Enfield

Dear Ellie Green,

Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Thank you for the explanatory note from Aykut and Ingrid Hilmi that you copied to us. I am afraid that it has made very little difference to the representations we have made to the authority in respect of either the application for a Premises Licence or – for that matter – the associated application for Planning Permission in respect of the proposed external seating area.

It follows that we do not wish to withdraw our representations.

The reason for this is simple: our concern is less with Aykut and Ingrid Hilmi's current plans for the operation of 'Starfish & Coffee' and more with the terms of the premises licence they have applied for. Their plans are just that, plans. They may decide at a later date to operate to a very different set of opening times; or – if for any reason – they were to sell the business to someone with very different intentions, their plans might turn out to be very different .

It is difficult for us to understand why Aykut and Ingrid's planned closing times of 16:00, 16:30 and 18:00 require a premises licence that permits business to continue until 22:00! To illustrate the point I have attached an appendix that compares their current plans – as set out in their email of 17th September – with the terms of the licence they have applied for and those terms as amended in respect of the representations received from the Police and the Licencing Authority. It is evident that there is still a substantial discrepancy between the planned opening times and the times that would be permitted under the licence were that to be granted.

We take the straightforward view that the business hours set out in the licence should be aligned with Aykut and Ingrid's planned opening times as set out in their email of 17th September. If they are so aligned, the greater part of our representations will be withdrawn.

Our remaining reservations would then be limited to:

- The proposed condition that "*All moveable external seating shall be removed, where practicable.....*" out of business hours. This is not acceptable. **No** furniture should be left out: there is a history of drug dealing and drinking on that corner and any furniture left out after business hours will attract trouble from the public seating area across Lakeside Road on Aldermans Hill. (It follows that we have also made representations in respect of the application for permission to have permanent fixed outdoor seating.)
- The number of tables and chairs and the size of the area occupied by them. There are confusingly - several proposals including the suggestion in the email of 17th September that there will be 6 tables, 12 chairs and the fixed 'stool' (in reality a large permanent

bench). This is excessive and way out of line with the provision made by Baskerville's and the café at number 90. 3 bistro tables should be the maximum allowed and the licence conditions should include such limits.

We have a couple of other incidental observations on the email of 17th September:

- Aykut and Ingrid say that they "would like to incorporate cooked brunch at the weekend". It's certainly a nice idea but the Licencing Act 2003 restricts A1 Use to "the sale of **sandwiches** or other **cold food** for consumption **off** the premises". This does not seem to be consistent with their intention to supply hot food for consumption on the premises.
- Aykut and Ingrid also note that "the Highways man has given us permission for up to 25 square meters" of outside seating. As far as we can tell the Borough has yet to make any decisions on the application for Planning Permission.

It follows from all of this that we see little point in attending a meeting with you, Aykut and Ingrid. There is little to be gained from a conversation at cross purposes. We applaud Aykut and Ingrid's good intentions and we wish them well. But good intentions are not the issue. What matters are the conditions set down in any Premises Licence that the Licencing Authority may grant them.

As it happens one of use will be admitted to hospital for surgery on the morning of Wednesday 30th September so we could not attend the meeting anyway; and – we fear –the same consideration will prevent us attending the Sub-Committee meeting on 21st October.

Yours Sincerely,

Sue and Steve Cook

78 Lakeside Road

Copies to:

Aykut and Ingrid Hilmi

Cllr. Dinah Barry

Cllr. Elaine Haywood

Cllr. Ertan Hurer

Cllr. Daniel Anderson

Cllr. Alessandro Georgiou

Cllr. Claire Louise Stewart

Appendix: Premises Licence Application

Licensable Activity	Your Intention	Original Application	Application following representations
The supply of alcohol, for consumption both on and off the premises and external seating.	12:00 – 18:00 on Saturday 12:00 – 16:00 on Sunday & Weekdays At approx. monthly intervals extended to 21:00	11:00 to 21:30 on Saturday & Sunday 12:00 to 21:30 on weekdays	External seating to be vacated by 20:00 and movable seating to be removed where practicable.
The showing of films	09:00 – 18:00 on Saturday 09:00 – 16:00 on Sunday 08:00 – 16:30 on Weekdays	09:00 to 22:00 on Saturday & Sunday 08:00 to 22:00 on weekdays	No Change
The playing of live music	09:00 – 18:00 on Saturday 09:00 – 16:00 on Sunday 08:00 – 16:30 on Weekdays	09:00 to 22:00 on Saturday & Sunday 08:00 to 22:00 on weekdays	No Change
The playing of recorded music	09:00 – 18:00 on Saturday 09:00 – 16:00 on Sunday 08:00 – 16:30 on Weekdays	09:00 to 22:00 on Saturday & Sunday 08:00 to 22:00 on weekdays	No Change
The conduct of indoor sporting events	09:00 – 18:00 on Saturday 09:00 – 16:00 on Sunday 08:00 – 16:30 on Weekdays	09:00 to :22:00 on Saturday & Sunday 08:00 to 22:00 on weekdays	No Change

Email 10: From Applicant to Local Residents via Principal Licensing Officer

From: aykuthilmi@yahoo.co.uk [mailto:aykuthilmi@yahoo.co.uk]

Sent: 29 September 2015 13:37

To: Ellie Green

Subject: Fwd: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Ellie,

Would you be kind enough to forward this email message to all the objectors please that Ingrid has written.

Kind Regards,

Aykut Hilmi

07957 319985

Begin forwarded message:

From: Ingrid <ingrid_bergh@yahoo.co.uk>

Date: 25 September 2015 at 21:34:57 BST

To: aykuthilmi@yahoo.co.uk

Subject: Re: 2nd Email to Cllrs and IPs: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Lakeside Road Residents,

We would like to confirm that the proposed meeting regarding 92 Alderman's Hill will take place on Wednesday 30th September upstairs in the conference room at the Inn on the Green . The reason for us choosing a Public House as our meeting place as opposed to our own site is purely for health and safety. Our coffeehouse is not yet suitable for the public to enter and we would be foolish to put ourselves in a position to stand responsible for a possible accident. As the meeting has to take place in the evening (we assume most people work during the day) we decided that a Public House would be the most suitable . We appreciate the response we've already had regarding attendance and hope that more of you will take the time to respond before the meeting. The meeting will be attended by Aykut only as Ingrid will at work . It will only last for about an hour as our babysitter can't commit to any longer than that.

Looking forward to seeing you there.

Kindest Regards,

Aykut & Ingrid

Sent from my iPhone

Email 11: From IP7

From: Susan Younger [mailto:susan.younger@btopenworld.com]

Sent: 06 October 2015 13:49

To: Ellie Green

Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer; aykuthilmi@yahoo.co.uk; Colin Younger (lcasgc)

Subject: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

[The previous version of this may have been incorrect, please substitute this one]

Dear Ellie,

We wrote to you on 27 September setting out our position on the proposed meeting to discuss aspects of this application. We said that our objections remained as stated, subject to any changes agreed after the meeting. We understand that the meeting has been held and wondered if any changes to the application had been agreed. If they have, could we be told what they are.

Since the 27th new issues have arisen. We have only now seen that in addition to the block opening hours in the premises licence, the LBE website now carries a licence for temporary events about which we have previously had no notice. Has this been agreed?

The events licence terms on the website say it is for up to 80 people, includes alcohol sales, and runs from 1800 - 2200. The numbers involved suggest that the intent is to use the pavement. Are there any mandatory conditions which relate to the use of the pavement which as you know is a major concern? Even a proportion of the 80 people drinking outside is entirely inappropriate for a residential area. Is there a limit on the number of occasions on which a temporary event can be held?

We don't know when this appeared on the website, but our experience is that the information on the website varies erratically. On one search last night we found a list of conditions to the premises licence not found previously or subsequently. However, our recollection of this ghostly posting is that these mandatory conditions differed from those attached to your email of 18 September. This appeared not to include your condition 13, which importantly limited the use of the pavement area [Supervisory staff shall ensure that no patrons remain in the external seating area after 20:00]. Bizarrely, it added a condition about displaying a notice to those leaving the indoor area that this was an area where street drinking was banned - would this be for the benefit of patrons leaving to drink at the tables in the street! The conditions listed on 18 September make much of the need to control noise coming from the café interior, but what are the limits on noise from the pavement tables.

Could you please give us a definitive statement about the overall licensing position? We find it is extremely difficult to understand exactly what licences and what mandatory conditions either granted or still under consideration now apply to these premises. As before our concerns are what the regulations allow, and not what the currently stated descriptions of operations are since these can easily change.

Yours sincerely

Colin and Susan Younger

67 Lakeside Road

Email 12: From Principal Licensing Officer to IP7

From: Ellie Green

Sent: 06 October 2015 17:07

To: susan.younger@btopenworld.com

Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer; aykuthilmi@yahoo.co.uk

Subject: FW: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Dear Mr and Mrs Younger

Thank you for your email below. I hope to address your queries:

1. Objections

The Resident Meeting did take place last week, however, no changes to the application have been made. Your objection still stands, and you are still invited to attend the hearing on 21 October 2015 at 10am at the Civic Centre to present your concerns to the Licensing Sub-Committee, who will make the final decision about the licence.

2. Temporary Event Notice

You are correct - one Temporary Event Notice (TEN) has been applied for, to take place on 17 October 2015 between 6pm and 10pm, for up to 60 people.

A TEN is required if a person wishes to sell or supply alcohol, provide regulated entertainment or late night refreshment but don't hold a premises licence. It can also be used to extend the hours or add on types of licensable activities for premises who do hold a premises licence.

As a local resident, you will not be notified of the TEN application - it is only considered by the Police and the Environmental Health Department. This particular TEN application has been granted as no objections were made.

The limitations of TENs in general are:

- " Events can include up to 499 people at any one time and must last no longer than 168 hours.
- " There must be a minimum of 24 hours between events.
- " Premises are limited to a total of 21 days coverage, or 12 temporary event notices each year.
- " Conditions are not applied to TENs.

" TENs may be granted under the Licensing Act 2003, but it does not override any other restrictions or licences such as Street Trading.

3. Website

I appreciate that the Licensing section of our website is not particularly user friendly, and it is currently going under review to address this.

You mentioned that you once saw conditions posted relating to this premises. I cannot comment what you saw, as I cannot see this myself. However, the only conditions that relate to the premises are those listed in my email to you (18/9/15). However at the hearing, the LSC may modify the proposed/agreed conditions or add on further conditions.

Applications show up on our online licence register automatically once we have processed it. Conditions will only be published on the licence register if and when a licence is granted.

4. Noise

There are agreed conditions relating to the noise from inside the premises:

" The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst live or recorded music 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 six months. 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.

" All external doors and windows to be kept closed but not locked whilst live or recorded music is provided.

No conditions have been requested relating to controlling the noise from patrons sitting outside the premises, perhaps because of the timings the outside area is restricted for use.

You could request that the Licensing Sub-Committee consider this when making their decision.

Please note that customers are still able to use the outside area, even without the premises licence. However, whatever the time of day, no noise considered to be a statutory nuisance is permitted.

5. Conditions

The government specify the mandatory conditions, based on what type of licence has been applied for and these are automatically applied to licences.

Further conditions (such as those requested by the Responsible Authorities and agreed by the Applicant) are also applied under the Operating Schedule, which are specific to the premises in question.

6. Street Trading

To confirm, the street trading licence was granted on 22 September 2015, permitting up to 20 chairs, 6 tables and 1 bench outside this premises, between 8am and 9pm.

The TEN application for 17 October has been granted.

The new premises licence application is still to be determined.

7. Moving forwards

I strongly recommend that at the hearing, a spokesperson on behalf of the local residents is nominated to present the concerns raised, and to evidence the concerns based on the 4 licensing objectives:

- " Prevention of crime and disorder
- " Prevention of public nuisance
- " Public safety
- " Protection of children from harm.

If you have any further queries that require specifically addressing by the Applicant, please advise so I can pass on the information.

If you wish to submit any further information to be considered by the Licensing Sub-Committee, please provide this to me in writing by 12pm on Friday 9 October.

Kind regards

Ellie Green

Principal Licensing Officer

Licensing Team

London Borough of Enfield

Email 13: From IP7

From: Susan Younger [mailto:susan.younger@btopenworld.com]

Sent: 09 October 2015 12:08

To: Ellie Green

Cc: Cllr Dinah Barry; Cllr Elaine Hayward; Cllr Ertan Hurer; aykuthilmi@yahoo.co.uk

Subject: Re: WK/215036363 Starfish & Coffee, 92 Aldermans Hill, LONDON, N13 4PP.

Thank you for your response.

We find the inability of residents to object to such a potentially wide ranging TEN appalling. Similarly our inability to oppose the table licence grant is unacceptable.

Our objections to the use of the outside area remains strong unless it is formally limited by conditions in the licence and we will wish to speak to this.

Colin and Sue Younger

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. 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.
5. 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.
6. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
7. 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.
8. 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.
9. 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.
10. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst live or recorded music 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 six months. 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.

11. All external doors and windows to be kept closed but not locked whilst live or recorded music is provided.
12. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 18:00.
13. Supervisory staff shall ensure that no patrons remain in the external seating area after 20:00, except to enter or leave the premises. All moveable external seating shall be removed, where practicable, by 20:00.
14. 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 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 overlooking floor areas should be wide angled to give an overview of the premises.
 - (4) Provide a linked record of the date, time, and place of any image.
 - (5) Provide good quality images.
 - (6) Operate under existing light levels within and outside the premises.
 - (7) Have the recording device located in a secure area or locked cabinet.
 - (8) Have a monitor to review images and recorded picture quality.
 - (9) Be regularly maintained to ensure continuous quality of image capture and retention.
 - (10) Have signage displayed in the customer area to advise that CCTV is in operation.
 - (11) Digital images must be kept for 28 days.
 - (12) Police or authorised local authority employees will have access to images at any reasonable time.
 - (13) 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. Immediate copies must be made available to Police or authorised local authority employees on request.

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

MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
21 October 2015

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Review Application – Metropolitan Police	
PREMISES : The Black Horse, Public House, 179 Hertford Road, ENFIELD, EN3 5JH.	
WARD : Enfield Highway	

1 LICENSING BACKGROUND

- 1.1 On 20 September 2005 applications by **Mrs Ishil Bursuk** to convert an existing Justices Off Licence to a Premises Licence and to simultaneously vary that licence were granted by the Licensing Sub-Committee (**LN/200501674**).
- 1.2 On 6 May 2009 an application by Mrs Bursuk for variation of her Premises Licence, that was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.3 On 24 August 2009 an application by a local resident to review the premises licence was submitted to the Licensing Authority, on the grounds of Public Nuisance. The Licensing Sub-Committee formed on 28 October 2009 and resolved to remove live and recorded music outdoors and modified conditions.
- 1.4 Mrs Ishil Bursuk has held the position of Designated Premises Supervisor since 6 July 2005.
- 1.5 A copy of the existing Premises Licence is attached as Annex 01.
- 1.5 A copy of a location map of the premises is attached as Annex 02.

2 THIS APPLICATION:

- 2.1 On 20 August 2015 an application was made by Metropolitan Police for a review of Premises Licence (LN/200501674) for The Black Horse, Public House, 179 Hertford Road, ENFIELD, EN3 5JH.
- 2.2 The review application seeks to reduce the operating hours as follows:

Licensable Activity	Current Licensable Hours	Proposed Licensable Hours
Opening hours	07:30 – 01:30 Sun – Wed 07:30 – 03:30 Thurs - Sat	10:00 – 23:30 Daily
Supply of Alcohol (on and off sale)	10:00 – 01:00 Sun – Wed 10:00 – 03:00 Thurs - Sat	10:00 – 23:00 Daily
Films	07:30 – 01:0 Sun – Wed 07:30 – 03:0 Thurs - Sat	10:00 – 23:00 Daily
Indoor Sporting Events	12:00 – 01:00 Everyday	12:00 – 23:00 Daily
Live Music	12:00 – 01:00 Everyday	12:00 – 23:00 Daily
Recorded Music	07:00 – 01:00 Sun – Wed 07:00 – 03:00 Thurs - Sat	10:00 – 23:00 Daily
Late Night Refreshment	23:00 – 01:30 Sun – Wed 23:00 - 03:30 Thurs - Sun	Remove

- 2.3 The review application also seeks to:
- modify conditions of the premises licence;
 - remove Mrs Ishil Bursuk as Designated Premises Supervisor;
 - suspend the licence for not less than one month AND until the licence conditions attached to the premises licence are deemed to be satisfactory.
- 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 a location map of the premises is attached as Annex 01.
- 2.7 A copy of the application is attached as Annex 02.
- 2.8 A copy of the current premises licence is attached as Annex 03.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services):** Representation was made, and the authority considered that it was appropriate, for the promotion of all four of the licensing objectives, to support the review application and have also proposed further modifications to the conditions attached to the licence.
- 3.2 A copy of the Licensing Authority representation is attached as Annex 04.
- 3.3 **Other Persons:** A representation has been made, against the application, by Gosschalks Solicitors acting on behalf of Enterprise Inns Ltd.
- 3.4 A copy of the representation is attached as Annex 05.

4 PROPOSED LICENCE CONDITIONS:

4.1 The conditions arising from this application are attached as 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)].

Cumulative Impact Policy:

5.5 The premises is located in a Cumulative Impact Policy Area [Pol s.9.20].

Hours:

5.6 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].

5.7 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].

5.8 Stricter conditions with regard to licensing hours may be required for licensed premises situated in or immediately adjacent to residential areas to ensure that disturbance to local residents is avoided. This will particularly apply in circumstances where, having regard to the location, size and nature of the premises, it is likely that disturbance will be caused to residents in the vicinity of the premises by concentrations of people leaving, particularly during normal night-time sleeping periods [Pol s.8.4].

Reviews arising in connection with crime: S182 Guidance

- 5.9 **Section 11.24** - The Guidance refers to reviews that may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, the sale of firearms, or the sexual exploitation of children. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 5.10 **Section 11.25** - Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. There is, therefore, no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.
- 5.11 **Section 11.26** - Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.
- 5.12 **Section 11.27** - There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises, for example:
- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
- 5.13 **Section 11.28** - It is envisaged that licensing authorities, the police and other law enforcement agencies, which are 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.

Regulated Entertainment:

- 5.14 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.
- 5.15 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.
- 5.16 No licence is required for the performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- 5.17 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.

Review:

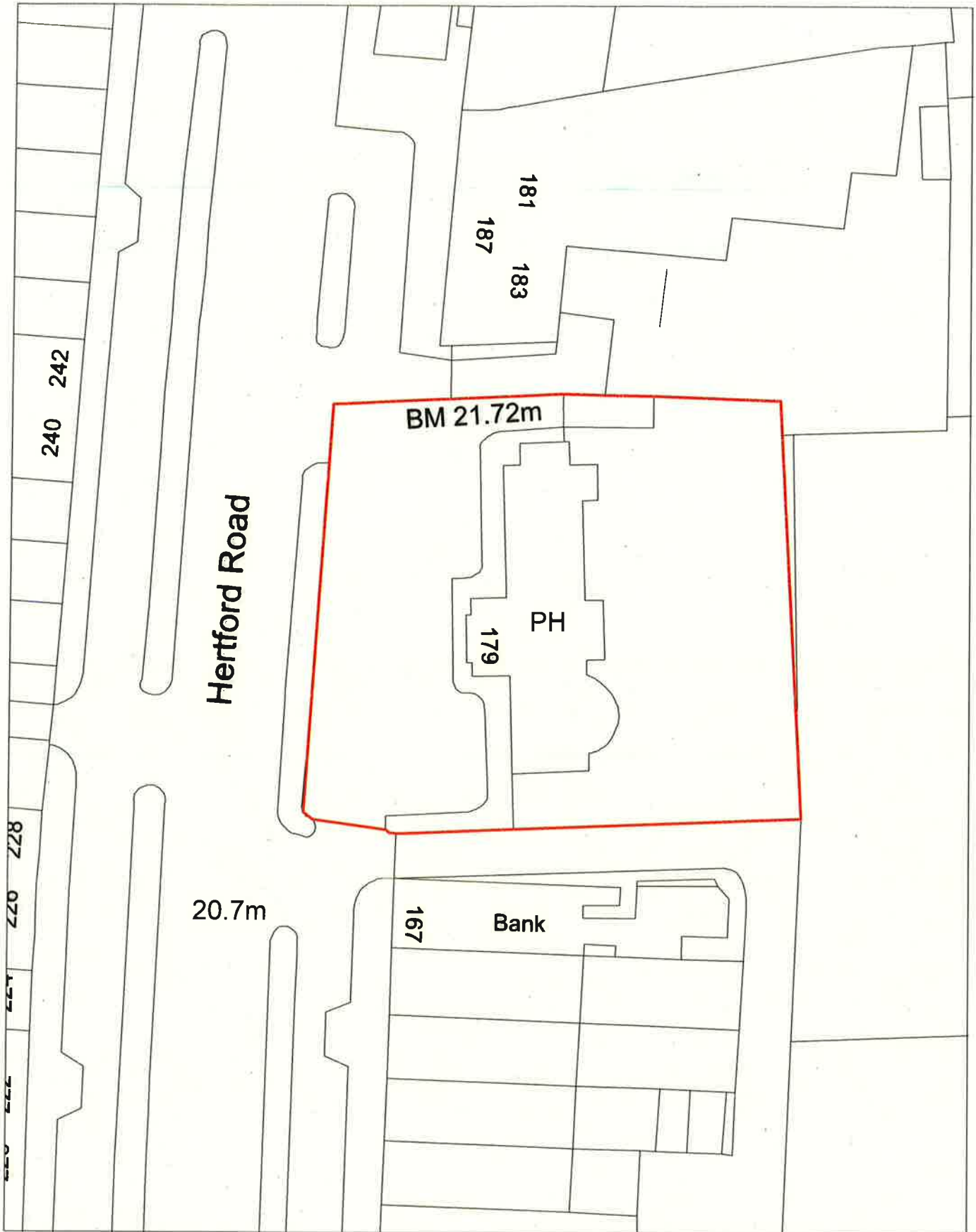
- 5.18 In reviewing a licence the Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Decision:

- 5.19 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 5.19.1 to modify the conditions of the licence;
 - 5.19.2 to exclude a licensable activity from the scope of the licence;
 - 5.19.3 to remove the designated premises supervisor
 - 5.19.4 to suspend the licence for a period not exceeding three months;
 - 5.19.5 to revoke the licence [Act s.52].
- 5.20 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 8453



The Black Horse, Public House, 179 Hertford Road, ENFIELD, EN3 5JH



METROPOLITAN
POLICE

TOTAL POLICING

Form 691

**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 **Police Constable Gary Marsh, for and on behalf of the Commissioner of the Metropolitan Police Service**
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 club premises, or if none, ordnance survey map reference or description:

The Black Horse, 179 Hertford Road

Post town:

Enfield

Post code:
(if known)

EN3 5JH

Name of premises licence holder or club holding club premises certificate (if known):

Mrs Ishil BURSUK

Number of premises licence or club premises certificate (if known):

LN/200501674

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|---|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:				First Names:					
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:				Post code:					
Daytime Tel. No.:				Email: (optional)					

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
PC Gary Marsh, Edmonton Police Station, 462 Fore Street, N9 0PW.	
Telephone Number (if any):	0208 345 3322
Email address: (optional)	gary.marsh@met.pnn.police.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	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		

PROTECTIVE MARKING

The Black Horse is a public house which is failing to promote two of the licensing objectives namely, the protection of public safety and the prevention of crime and disorder.

Police are primarily concerned with the rise in crime occurring inside and in the vicinity outside this premise. There has been two previous bodily harm (GBH) crimes and one Actual Bodily Harm crime reported to police since 2014 and two other crimes of theft and drugs possession. The assaults have involved weapons namely a stanley knife and glass.

The DPS and staff on duty have failed to call police for both GBH crimes and were involved as named suspects for the ABH. When police have arrived after answering emergency calls to the venue which were made by members of the public, the DPS and staff have been described as hostile and unhelpful on each occasion. The DPS has also lied to police, cleaned a crime scene and has been obstructive to a police investigation on more than one occasion.

There are additional concerns regarding the premises ability to adhere to their licence conditions, namely no door staff when required, cctv either not working or not made available, ignoring last entry time.

Incidents of crime and disorder continue to occur at the premises at an unacceptable level. There have been numerous interventions and support from Licensing officers but the premises continue to undermine the licensing objectives.

There are numerous intelligence reports detailing gang activity, drug dealing and one report of a firearm in and around the premise. A search warrant has recently been executed at the premises for drugs.

The MPS Licensing has no faith in the managements ability to operate the premises responsibly and therefore wishes to bring the matter before the Licensing sub-committee for consideration.

Please provide as much information as possible to support the application: (please read guidance note 3)

This review has been submitted by the MPS following a serious assault from within the location which occurred on the 6th August 2015. The Victim was attacked by a group of males at the bar. He was punched and kicked from behind and then hit with a glass, which made the victim fall to the ground where the assault continued. It is worrying that at no time did the DPS who was on duty or any other staff member call for the police or ambulance service, despite being present at the time of the incident. The incident was eventually reported to police by a third party.

When the Police arrived on scene the DPS lied to the attending Police Sergeant advising her that no such incident had taken place. The Police Sergeant left the premises on this information. The Police Licensing Team arrived a very short time after (unaware at the time Patrol Sergeant had already attended) the DPS again lied and consistently tried to mislead police. The DPS was also obstructive claiming she could not work the CCTV, this resulted in Police having to seize the entire harddrive. It was then discovered that the crime scene had been cleaned on the instruction of the DPS. This severely hindered the investigation and may have led to the suspect of the GBH not being identified. One male has since been arrested, charged with ABH, and remanded in prison awaiting trial. He is a known high ranking gang member.

Crime Report 5216745/15 GBH/Wounding

30th October 2014 A male was stopped and searched within the premise and found in possession of herbal cannabis.

Crime Report 5223755/14. Possession of Cannabis.

24th May 2015 Police were originally called by a member of the public to 10-15 males fighting the informant believed they had heard gunshots.

The Borough CCTV operator confirmed disorder at the premises. Police arrived and found a victim who was now waiting inside the premise. He had previously been drinking inside The venue. Upon leaving he has been attacked by a group of males in the car park who have hit him with glasses, and proceeded to punch and kick him. Police at the scene commented that staff at the venue were not very co-operative and were initially obstructive.

Crime Report 5211321/14 GBH/With Intent (GBH/WI).

28th February 2014 The victim was drinking in the premises. Her mobile telephone was taken from within her handbag.

Crime Report 5204933/14 Theft.

23rd January 2014 An argument and fight has ensued with the DPS, her family and a member of the public. The incident has led to cross-allegations being reported to police. It is alleged that during the course of this fight a Stanley knife was produced. Due to there not being any CCTV at the time the true facts were never discovered and no further action taken by police. However one person had cuts to their hands believed from the knife.

Crime Report 5201702/14 Actual Bodily Harm (ABH).

A full chronology of Police interventions and incidents will be provided in a separate statement.

The current hours of operation are

Activity Times

Opening hours 07:30 – 01:30 Sun – Wed

07:30 – 03:30 Thurs - Sat

Supply of Alcohol (on and off sale) 10:00 – 01:00 Sun – Wed

10:00 – 03:00 Thurs - Sat

Films 07:30 – 01:00 Sun – Wed

07:30 – 03:00 Thurs - Sat

Indoor Sporting Events 12:00 – 01:00 Everyday

Live Music 12:00 – 01:00 Everyday

Recorded Music 07:00 – 01:00 Sun – Wed

07:00 – 03:00 Thurs - Sat

LNR 23:00 – 01:30 Sun – Wed

23:00 - 03:30 Thurs - Sun

Additional Information

The 182 Guidance states the following.

11.27. There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises: (I have included only the relevant activities to this case.)

- for the sale and distribution of drugs controlled under the Misuse of Drugs Act 1971 and the laundering of the proceeds of drugs crime;
- as the base for the organisation of criminal activity, particularly by gangs

The guidance further states at

11.28. It is envisaged that licensing authorities, the police and other law enforcement agencies, which are 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.

Conclusion

The Police seek a reduction in hours to the following.

- Sale of alcohol (on sales and off sales) 1000 - 2300 everyday. The premises currently stands within a Cumulative Impact Policy zone.
- Opening hours 1000-2330 hours every day.
- Films 1000-2300 hours every day.
- Indoor Sporting events 1200-2300 hours every day.
- Live music 1200-2300 hours every day.
- Recorded music 1000-2300 hours every day.
- Removal of late night refreshment provisions.
- The removal of the DPS.
- A period of suspension for not less than 1 month AND not until the below conditions have been implemented and checked by police or licensing authority
 - 1) Installation of a comprehensive CCTV system that complies with the following
 - All entry and exit points will be covered enabling frontal identification of every person entering in any light condition
 - All recordings shall be stored for a minimum of 31 days with correct date and time stamping.
 - recordings shall be made available immediately upon request of police or authorized officer throughout the preceding 31 day period.
 - The CCTV system should be updated and maintained according to police recommendations.
 - A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. this staff member must be able to show a police officer or authorized council officer recent datae or footage with the absolute minimum of delay when requested.
 - 2) Introduction of minimum of 2 SIA accredited door staff from the hours of 2000hrs until close every day.
 - 3) All patrons will be searched as a condition of entry from 2000hrs.
 - 4) All drinking vessels to be replaced with polycarbonate drinking vessels and these are to be used at all times.

The MPS feels that these measures are wholly proportionate, reasonable and appropriate measures to put in place to promote the licensing objectives

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

(Please tick yes)

Day	Month	Year
-----	-------	------

If yes, please state the date of that application:

--	--	--	--	--	--	--	--	--	--

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

Large empty text area for providing details of applications or representations.

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **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 6)

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. A responsible authority includes the local police, fire and rescue authority and other statutory bodies which exercise specific functions in the local area.
2. The ground(s) for review must be based on one of the licensing objectives.
3. Please list any additional information or details, for example dates of problems which are included in the grounds for review if available.
4. The application form must be signed.
5. An applicant's agent (for example, solicitor) may sign the form on their behalf provided that they have actual authority to do so.
6. This is the address which we shall use to correspond with you about this application.

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

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

Statement of Gary Marsh URN: [] [] [] []

Age if under 18 Over 18 (if over 18 insert 'over 18') Occupation: Police Officer 235380

This statement (consisting of: 9..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: [Signature] Date: 10th OCTOBER 2015

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

I am Police Constable Gary Marsh. I have been a police officer for ten (10) years. I have been a licensing officer for four (4) months for Enfield Borough Police, working in a team responsible for licensing matters across the borough of Enfield. My role includes proactive patrols of these premises to ensure the licensing objectives are being upheld. I was previously on the Central Licensing Team based at Charing Cross for nine (9) months. The CLT has the responsibility for having an oversight of all licensing matters across the Metropolitan Police Service, part of the role involves supporting boroughs providing them an operational response and assisting where needed at critical incidents or at times of high demand.

This is a supporting statement regarding the review application for The Black Horse 179 Hertford Road EN3 5JH. It outlines serious issues relating to crime and disorder and public safety directly associated to the venue which has triggered the need for police to request this review.

The incidents that have occurred at The Black Horse have led to the licensing objectives being seriously undermined, namely the Prevention of Crime and Disorder and Public Safety.

The Black Horse is situated just back from the road at 179 Hertford Road Enfield. It is a large pub, with the car park lying at the front of the venue

In the car park on the right hand side there is a car wash business which is a joint venture with the PLH/DPS and another. There is some decking that lines the front of the pub which is extended on the left hand side with tables and chairs and this is also the smoking area. The pub is a two storey building with only the ground floor being open to the public the first floor being residential.

The bar area sits in the middle of the pub with pool tables to the right and tables and chairs to the left and some lounge chairs in the middle.

There is also a back garden which is decked and in the middle is a coffee/Shisha bar. The rest of the outside has what I would

Signature: [Signature] Signature witnessed by:

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Continuation of Statement of Gary Marsh

describe as booths located around the border and middle. These booths have curtains on the sides and roofs affording a fair amount of privacy.

I have made a chronology of events for the incident to assist the licensing sub-committee including copies of crime reports and CAD calls made to police detailing the assault on the victim.

Grievous Bodily Harm (GBH)

Thursday 6th August 2015

The victim entered the venue after the last entry time and went to the bar. He had only just arrived and interacted with some males already in the venue. The victim is facing the bar when the suspect who was to his side picks up his glass and swings his arm back out stretched and then throws his arm forwards quickly hitting the victim in the face with the glass. The victim is then held by another suspect whereby the first suspect again starts hitting the victim. The victim appears to be knocked unconscious and falls to the ground where both suspects rain kicks and punches upon him.

The assault eventually stops and the males stand over the victim. The DPS and her daughter are seen to be arguing with the suspects. The suspects appear to be the aggressors in the argument. There is also another member of staff present. This is all captured on the premises cctv and I have prepared a copy to be shown to the committee.

What followed from that is how the police were notified of the incident and the action/inactions of the staff, below is a description of how that unfolded. From this one incident alone you will see a complete failure in promoting the licensing objectives.

On Thursday 06th August 2015 Police received a call via the 101 system from someone calling on behalf of the victim. The call stated that the victim had been assaulted in the Black Horse in the early hours of the morning.

Police attended the hospital and took the report from the victim. He stated that he had arrived at The Black Horse at about 0100 hours. He had a brief exchange with some males who were already inside the pub. The victim made his way to the bar and was soon surrounded by these males who then launched into an assault with both males hitting the victim which led to him falling to the floor. The violence continued once the victim was on the ground. After assaulting the victim the suspects eventually leave before the victim. The DPS and a member of staff assisted the victim with getting him to the toilet and hiding him until the suspects had left the scene. The victim then left and made his way to hospital. Once at the accident and emergency department he was assessed and referred to a maxillofacial department at another hospital.

The DPS was present during the assault along with other staff. At no time did anyone contact either the police or ambulance services neither at the time, during or after.

When the Police did arrive at The Black Horse the DPS lied to the attending Police Sergeant claiming that no incident had occurred at the venue. So convincing was the DPS that the Police Sergeant left.

Signature: G. Marsh Signature witnessed by:

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Continuation of Statement of **Gary Marsh**

I attended The Black Horse with PC Martyn FISHER who is also on the licensing team a short time after the Sergeant had left.

I asked the DPS Mrs ISHIL whether she was aware of any incident occurring at her venue in the early hours giving the times. Mrs ISHIL said that another police officer had just left and that she had told that officer that she didn't know of any incident. I noticed a member of staff cleaning the bar area. I asked some more questions around the incident such as if she remembers any large groups and whether there were any loud voices like an argument or whether an incident could have occurred outside. Mrs ISHIL claimed that she had not been working that night and had not heard anything from upstairs. I asked who was working, to which she gave the name of a male member of staff but told me he was not around at the moment and would be returning later on. I asked to view the cctv for the night as she was not there and there was no other way of verifying that no incident had occurred. Mrs ISHIL claimed that only her daughter knew how to operate the cctv. I asked if her daughter would be able to operate it for us and she stated that her daughter was out all day and would not be contactable.

At this point the detectives who would be investigating the crime from the Criminal Investigation Department (CID) arrived. I explained that if there was no way to operate the cctv then we may need to seize the whole thing to prevent any loss of evidence. At this point Mrs ISHIL admitted that an assault had taken place in the venue but she had not witnessed it but was aware of it. At this point the hard drive to the cctv was seized. It was some time before Mrs ISHIL admitted to actually being at the venue during the assault and described to police what had happened. The member of staff that was present during the assault that Mrs ISHIL claimed was out was also actually in the building and spoke to us whilst we were there.

The DPS alluded to the fact that she is scared of most of the patrons that come into her pub. She believes they are gang members and fears what they would do if they knew she had spoken to police. Although this is a difficult situation for her to be in she has done nothing to address this such as request they leave or hire door staff.

I asked why not even an ambulance had been called on this occasion to which she did not have an answer. (This paragraph has been put in italics on purpose as it may need re-dacting prior to publication on-line to protect)

Evidence

Crime Report 5216745/15 - GBH/Wounding

CCTV of assault

CAD 2603/06AUG15

Handling Stolen Goods

October 2015

Reports of Handling Stolen Goods at the car wash in the car park.

Signature: G. Marsh

Signature witnessed by:

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Continuation of Statement of Gary Marsh

Evidence

Criminal Intelligence Report YERT00391054

Handling Stolen Goods

September 2015

Reports of Handling Stolen Goods at the car wash in the car park.

Evidence

Criminal Intelligence Report YERT00390422

Intoxication and Disturbance

12th August 2015

A call to police to request assistance to eject some drunk patrons who were refusing to leave.

Evidence

CAD 6034/12AUG15

Gangs

August 2015

Reports of a known gang member frequenting The Black Horse.

Evidence

Criminal Intelligence Report YERT00389330

Disturbance

28th July 2015

Call made to police due to a disturbance within The Black Horse. Argument between some people within The Black Horse.

Evidence

CAD 3232/28JUL15

Intoxication and Disturbance

22nd July 2015

Call made to police requesting their assistance due to a drunk male within The Black Horse causing a disturbance.

Evidence

CAD 9624/22JUL15

Signature: _____

Signature witnessed by: _____

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Continuation of Statement of **Gary Marsh**

Gangs

May 2015

Reports of a known gang frequenting The Black Horse.

Evidence

Criminal Intelligence Report YERT00385529

Gangs

April 2015

Report contains intelligence about gangs activity and The Black Horse

Evidence

Criminal Intelligence Report YERT00384964

Drugs Supply

April 2015

Reports of drugs supply at The Black Horse

Evidence

Criminal Intelligence Report YERT00384412

Potential Assault and Intoxication

22nd March 2015

An extremely drunk male has contacted police to report that whilst drinking in The Black Horse some males have tried to fight him.

Evidence

CAD 8210/22MAR15

Drugs Supply

February 2015

Reports of drugs supply at The Black Horse

Evidence

Criminal Intelligence Report YERT00382921

Drugs Warrant

Signature:

Signature witnessed by:

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Page 6 of 6

Continuation of Statement of **Gary Marsh****February 2015**

Drugs search warrant executed at The Black Horse.

Evidence**Criminal Intelligence Report YERT00382656****Gangs, Drugs and Firearms****February 2015**

Reports of drugs supply, gang activity and possession of firearms at The Black Horse.

Evidence**Criminal Intelligence Report YERT00382613****Disturbance****17th January 2015**

A group of ten males drunk, causing a disturbance and refusing to leave. Police requested to assist with the ejection of the males.

Evidence**CAD 8902/17JAN15****Possession of Cannabis****30th October 2014**

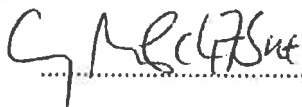
A male was stopped and searched within the premises and found in possession of herbal cannabis.

Evidence**Crime Report 5223755/14 - Possession of Class B Drugs****Common Assault****27th May 2014**

The victim and suspect had been inside The Black Horse drinking with friends. An argument has ensued within the venue and the suspect has slapped the victim across the face. Both the victim and suspect were heavily intoxicated. The victim and suspect ended up outside the venue and the victim admitting to throwing a bottle at a vehicle causing damage.

Evidence**Crime Report 5211537/14 Common Assault****Crime Report 5211540/14 Criminal Damage**

Signature:



Signature witnessed by:

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Continuation of Statement of Gary Marsh

Grevous Bodily Harm

24th May 2014

Police were originally called by a member of the public to 10-15 males fighting. The informant believed they had heard gunshots.

The borough CCTV operator confirmed disorder at the premises. Police arrived and found a victim who was now waiting inside the premise. The victim had previously been drinking inside the venue. Upon leaving he has been attacked by a group of males in the car park who have hit him with glasses, and proceeded to punch and kick him. Police at the scene commented that staff at the venue were not very co-operative and were initially obstructive.

Evidence

Crime Report 5211321/14 GBH/With Intent (GBH/WI)

Theft

28th February 2014

The victim was drinking in the premises. Her mobile telephone was taken from within her handbag.

Evidence

Crime Report 5204933/14 Theft

Grevous Bodily Harm

1st February 2014

The victim and suspects had been drinking in The Black Horse. The victim was leaving and as he has done so he has been attacked from an unknown direction in the mouth. The victim has started to walk away from the venue when a vehicle has pulled up alongside the victim. A group of males have exited this vehicle and proceeded to attack the victim punching to the face causing cuts and bruises. The victim has managed to escape and ran off. The suspects briefly gave chase but soon gave up.

Evidence

Crime Report 5202386/14 GBH/Wounding

Actual Bodily Harm (ABH)

23rd January 2014

An argument and fight has ensued with the DPS, her family and a member of the public. The incident has led to cross-allegations being reported to police. It is alleged that during the course of this fight a stanley knife was produced. Due to there not being any CCTV at the time the true facts were never discovered and no further action taken by police. However one person had cuts to their hands believed from the knife.

Evidence

Crime Report 5201702/14 ABH

Signature: C. Marsh Signature witnessed by:

RESTRICTED (when completed)

Continuation of Statement of Gary Marsh

There have been numerous police interactions with the PLH/DPS Mrs Bursuk. These have been in the form of telephone conversations, meetings and licensing/reassurance visits. So far this year there have been eight interactions. The most recent being a meeting on the 7th October 2015 where myself, Mrs Bursuk and Mr Philip Lamb who is an area manager for Enterprise Inns who are the landlords of the premise. During this meeting we discussed what the police have requested should members of the licensing sub committee be minded not to revoke the premises licence and were largely in agreement. The main points of difficulty for Mrs Bursuk was the number and frequency of door staff required and the length of suspension. Mrs Bursuk also stated that the venue was due to be refurbished very soon with the intention of becoming a restaurant.

Conclusion

This review was prompted by the serious assault that occurred as detailed above. The police investigation was been seriously hindered by the actions/inactions of the DPS and her staff. The suspects remained at large and unidentified for a period of time because of this. Had police been called the seriousness of the victims injuries may have been prevented and the suspects of this crime could have been detained immediately. Forensic opportunities were destroyed due to the area being cleaned and the delay in viewing the cctv prevented the early identification of the suspects and led to additional costs of the investigation due to having to seize the cctv hard drive which then had to be sent to specially trained officers to be forensically examined.

This crime was committed by at least one high ranking known gang member. Members of this gang frequent The Black Horse so often it would be described as a base of operations for them.

In its current state the premises poses a serious threat to public safety and if allowed to continue in its current form will lead to further violence at the venue.

Gang members we know raise money through crime and this includes through drugs, money laundering and extortion. These crimes are exacted through the use and threat to use serious violence and this includes using weapons. When a venue is being used as a base by a gang you can expect there to be crime and disorder in and around that venue. This is evident here and in criminal intelligence reports. An unfortunate consequence of this use and threat of violence is that not all crimes will be reported to police, so a true picture of what exactly is occurring is hard to evidence. As the DPS has shown she and her staff cannot be relied upon to report to police or for that matter even call an ambulance.

I am concerned that the DPS failed to act and report the matter to police or the ambulance service and then to lie to police and allow part of the crime scene to be destroyed. Had police not arrived on scene when they did im sure that all evidence would have been cleaned away.

I am concerned that there have been no door staff employed to assist the DPS with managing the entry to the venue and maintaining order within the venue.

Signature: G. Marsh Signature witnessed by:

RESTRICTED (when completed)

Continuation of Statement of Gary Marsh

I no longer feel that Mrs Bursuk is in full control of the venue.

In my opinion conditions on a licence should be seen as a bare minimum for a DPS and where an issue arises they should take action to put measures in place to promote the licensing objectives. The Black Horse I'm afraid has failed to do this and as a consequence has been overrun by gang members.

Early intervention by employing door staff and contacting police would have helped solve the issue before becoming the problem it is today.

Police are seeking an immediate suspension of the premises licence for at least 1 month. This will enable changes that need making to be implemented. This also gives a break immediately removing the gang from this venue and is a common tactic used by many venues when problems arise.

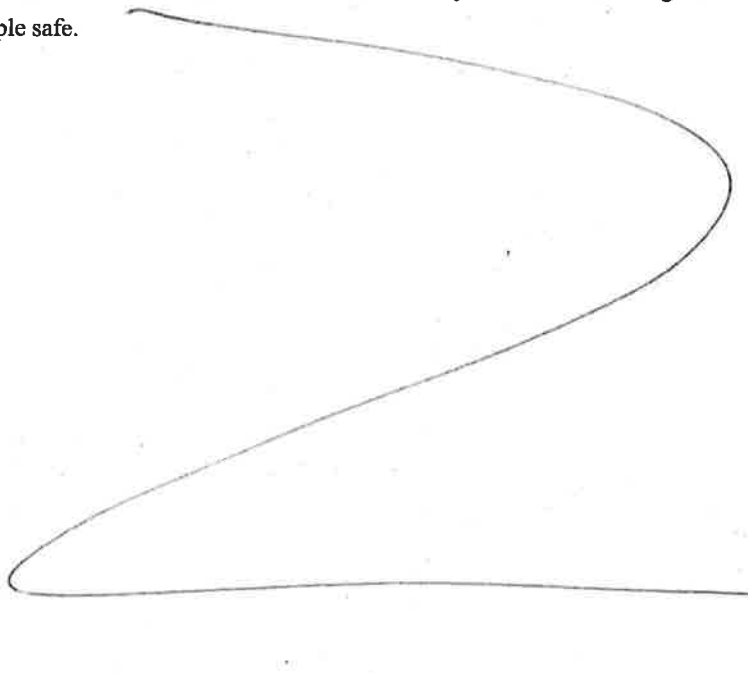
I feel that the venue needs a fresh start and new management, management that is strong enough to resist if these gang members try to move back in. I think that given the number of glass enabled crime that to remove that danger the use of plastic/polycarbonate drinking vessels should be used throughout this venue.

The cctv is also not fit for purpose in its current state and could do with upgrading and improving to remove blindspots it should also be in colour throughout and able to operate in any light conditions.

The hours of this venue are those which you would normally associate with a nightclub having a very late closing time. This is disproportionate to any other venue in the area and as evidenced is attracting criminals and those likely to cause a nuisance, offering them a safe haven when everywhere else would be shut and this is also evidenced in the high levels of intoxication.

The introduction of door staff everyday will allow far better control over entry and maintaining order within the venue. At the moment this venue is seen as a soft target by gangs, criminals and those out to cause a nuisance. I believe that the reduction in hours, removal of DPS and the added conditions will go a long way to strengthening this licence.

The Metropolitan Police Service contend that this is an appropriate and proportionate response to the high number of serious incidents and failures by the PLH/DPS in her duty under the Licensing Act to promote the licensing objectives and keep people safe.

 G M PC 47 SUE

Signature: G M PC 47 SUE Signature witnessed by:

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? **No.** If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice)	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A <input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services:				<input type="checkbox"/>	

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **PC 475YE 235380 Gary Marsh**..... Station: **Edmonton**.....

Time and place statement taken:

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

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200501674**

Part 1 – Premises Details

Postal address of premises :

Premises name : **The Black Horse**

Telephone number : **020 8350 3001**

Address : **Public House 179 Hertford Road Enfield EN3 5JH**

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 :	07:30 - 01:30
Monday :	07:30 - 01:30
Tuesday :	07:30 - 01:30
Wednesday :	07:30 - 01:30
Thursday :	07:30 - 03:30
Friday :	07:30 - 03:30
Saturday :	07:30 - 03:30
Easter Sunday :	10:00 - 03:00
Easter Monday :	10:00 - 03:00
Sunday preceding Early May Bank Holiday :	10:00 - 03:00
Early May Bank Holiday :	10:00 - 03:00
Sunday preceding Spring Bank Holiday :	10:00 - 03:00
Spring Bank Holiday :	10:00 - 03:00
Sunday preceding Summer Bank Holiday :	10:00 - 03:00
Summer Bank Holiday :	10:00 - 03:00
Christmas Eve :	10:00 - 03:00
Boxing Day :	10:00 - 03:00
New Year's Eve :	10:00 - 00:00
New Years Day :	00:00 - 00:00
2nd January :	00:00 - 02:00

(2) Supply of Alcohol - On and Off Supplies

Sunday :	10:00 - 01:00
Monday :	10:00 - 01:00
Tuesday :	10:00 - 01:00
Wednesday :	10:00 - 01:00
Thursday :	10:00 - 03:00
Friday :	10:00 - 03:00
Saturday :	10:00 - 03:00
Easter Sunday : 10:00 - 03:00	
Easter Monday : 10:00 - 03:00	
Sunday preceding Early May Bank Holiday : 10:00 - 03:00	
Early May Bank Holiday : 10:00 - 03:00	
Sunday preceding Spring Bank Holiday : 10:00 - 03:00	
Spring Bank Holiday : 10:00 - 03:00	
Sunday preceding Summer Bank Holiday : 10:00 - 03:00	
Summer Bank Holiday : 10:00 - 03:00	
Christmas Eve : 10:00 - 03:00	
Boxing Day : 10:00 - 03:00	
New Year's Eve : 10:00 - 00:00	
New Years Day : 00:00 - 00:00	
2nd January : 00:00 - 02:00	

(3) Films - Indoors

Sunday :	07:30 - 01:00
Monday :	07:30 - 01:00
Tuesday :	07:30 - 01:00
Wednesday :	07:30 - 01:00
Thursday :	07:30 - 03:00
Friday :	07:30 - 03:00
Saturday :	07:30 - 03:00
Easter Sunday : 10:00 - 03:00	
Easter Monday : 10:00 - 03:00	
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Summer Bank Holiday : 10:00 - 03:00	
Christmas Eve : 10:00 - 03:00	
Boxing Day : 10:00 - 03:00	
New Year's Eve : 10:00 - 00:00	
New Years Day : 00:00 - 00:00	
2nd January : 00:00 - 02:00	

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

Sunday :	12:00 - 01:00
Monday :	12:00 - 01:00
Tuesday :	12:00 - 01:00
Wednesday :	12:00 - 01:00
Thursday :	12:00 - 01:00
Friday :	12:00 - 01:00
Saturday :	12:00 - 01:00

(5) **Live Music - Indoors**

Sunday :	12:00 - 01:00
Monday :	12:00 - 01:00
Tuesday :	12:00 - 01:00
Wednesday :	12:00 - 01:00
Thursday :	12:00 - 01:00
Friday :	12:00 - 01:00
Saturday :	12:00 - 01:00
New Year's Eve :	12:00 - 02:00

(6) **Recorded Music - Indoors**

Sunday :	07:00 - 01:00
Monday :	07:00 - 01:00
Tuesday :	07:00 - 01:00
Wednesday :	07:00 - 01:00
Thursday :	07:00 - 03:00
Friday :	07:00 - 03:00
Saturday :	07:00 - 03:00
Easter Sunday :	10:00 - 03:00
Easter Monday :	10:00 - 03:00
Sunday preceding Early May Bank Holiday :	10:00 - 03:00
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Sunday preceding Summer Bank Holiday :	10:00 - 03:00
Summer Bank Holiday :	10:00 - 03:00
Christmas Eve :	10:00 - 03:00
Boxing Day :	10:00 - 03:00
New Year's Eve :	10:00 - 00:00
New Years Day :	00:00 - 00:00
2nd January :	00:00 - 02:00

(7) **Facilities for Making Music - Indoors**

Sunday :	12:00 - 01:00
Monday :	12:00 - 01:00
Tuesday :	12:00 - 01:00
Wednesday :	12:00 - 01:00
Thursday :	12:00 - 01:00
Friday :	12:00 - 01:00
Saturday :	12:00 - 01:00

(8) **Late Night Refreshment - Indoors**

Sunday :	23:00 - 01:30
Monday :	23:00 - 01:30
Tuesday :	23:00 - 01:30
Wednesday :	23:00 - 01:30
Thursday :	23:00 - 03:30
Friday :	23:00 - 03:30
Saturday :	23:00 - 03:30
Easter Sunday : 10:00 - 03:00	
Easter Monday : 10:00 - 03:00	
Sunday preceding Early May Bank Holiday : 10:00 - 03:00	
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Christmas Eve : 10:00 - 03:00	
Boxing Day : 10:00 - 03:00	
New Year's Eve : 10:00 - 00:00	
New Years Day : 00:00 - 00:00	
2nd January : 00:00 - 02:00	

Part 2

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

Name : Mrs Ishil Bursuk

Telephone number : 020 8804 5159

e-mail : Not provided

Address : The Black Horse, Public House, 179 Hertford Road,
Enfield, EN3 5JH

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 : Mrs Ishil Bursuk

Telephone number : 020 8804 5159

e-mail : Not provided

Address : The Black Horse, Public House, 179 Hertford Road,
Enfield, EN3 5JH

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/200500621

Issuing Authority : London Borough of Enfield

Premises Licence LN/200501674 was first granted on 19 September 2005.

Signed 

Date : 2nd November 2009

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. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made : (a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board; or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.**
- 4. Immediately before each exhibition of a film passed by the British Board of Film Classification there shall be exhibited on a screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.**

Annex 2 - Conditions consistent with the Operating Schedule

- 5. 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.**
- 6. All Staff shall receive drugs awareness training as part of their induction.**
- 7. No entry shall be allowed to the premises after 23:00.**
- 8. No children under 18 years of age shall be permitted on the premises after 23:00.**
- 9. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras shall be sited to observe the entrance doors both inside and out, the counter, all floor areas; (2) The internal cameras facing the entrance doors shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. These camera shall capture a minimum of 25 frames per second; (3) Cameras viewing till/counter areas shall capture frames not less then 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) Provide a**

monitor in full view of customers entering the premises. This monitor must display the images of said customers; (11) Have a separate 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 on the front entrance door and in the customer area to advise that recorded 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 on request.

10. Toughened glasses shall be used at the premises.

11. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.

12. From 19.00 until close, toilets at the premises shall be checked for any sign of drug use approximately every two hours and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6 months. Records shall be made available to an officer of the Council or Police upon request.

13. At least 6 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

14. All external doors and windows shall be kept closed but not locked during regulated entertainment.

15. No children under 14 years of age other than those of the Manager shall be permitted on the premises at any time, save for in the restaurant area, up to 21:00 only.

16. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street.

17. All staff must receive induction and refresher training, relating to the sale of alcohol.

18. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

19. When employed, at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons from the premises and car park area.

20. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

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

21. The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

22. At least one door supervisor shall be employed during regulated entertainment. From 23:00 a door supervisors shall monitor the outside smoking area and ensure that those using the smoking area do not create a noise disturbance to local residents. They shall also ensure that there is no entry to the premises after 23:00 other than by those using the smoking area.

23. 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. Similar notices shall also be positioned in the garden and smoking areas.

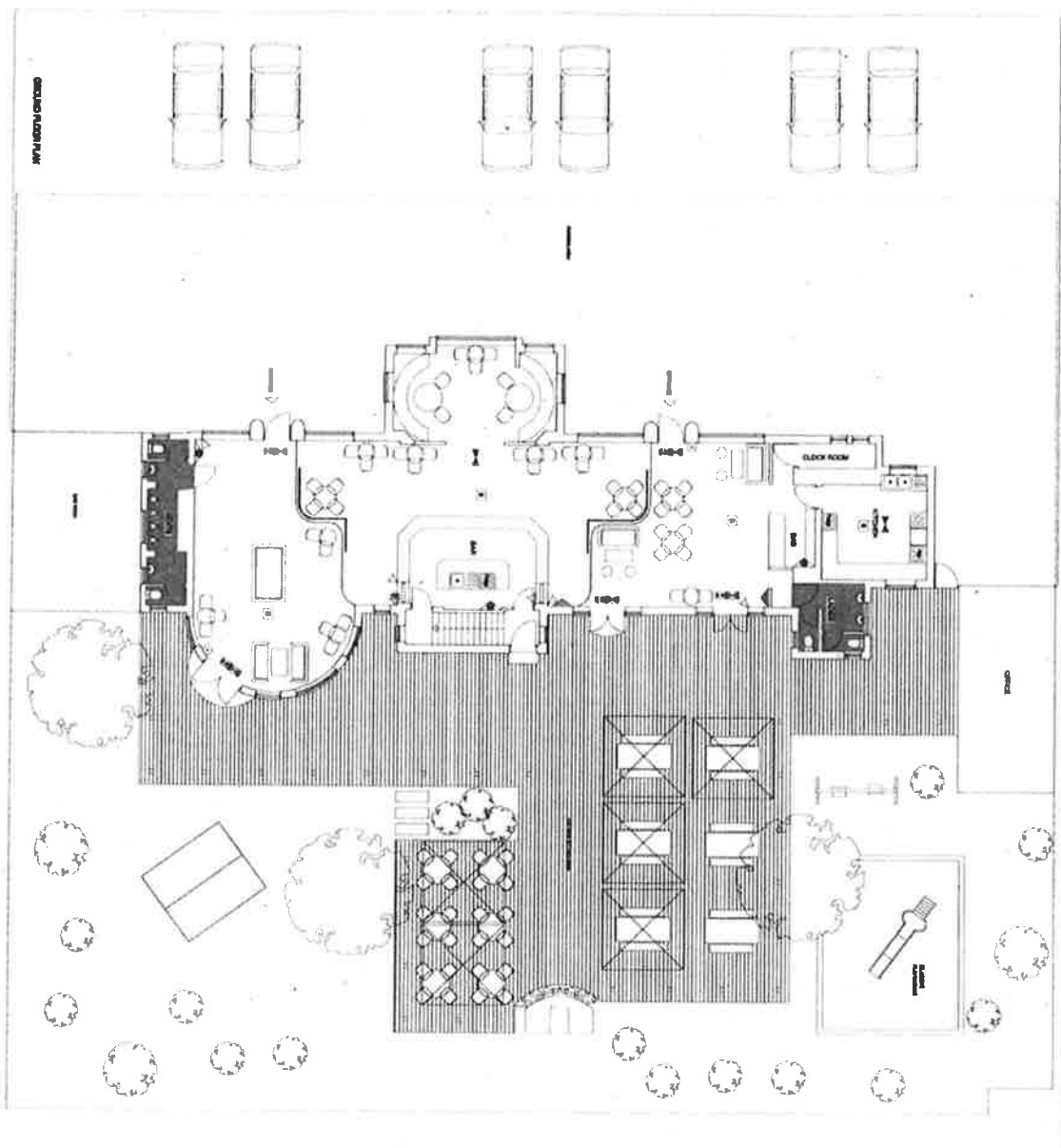
24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, 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. Drinks shall not be allowed outside after 23:00.

26. Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.

27. A noise-limiting device shall be installed to all amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.

Annex 4 – Plans





LICENSING AUTHORITY REPRESENTATION

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

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

Name and address of premises: The Black Horse Public House
 179 Hertford Road
 Enfield
 EN3 5JH

Type of Application: Review (Police)

I certify that I have considered this review and I wish to make representations supporting the review application as activities at the premises are detrimental to the Licensing Objectives for the following reasons:

Background History:

The licence for this premises was converted and simultaneously varied in 2005. A further variation to increase the licensed hours was granted in May 2009. A review application was submitted by a local resident in August 2009. The review was supported by Trading Standards and was the result of loud music and noise coming from the use of the rear garden. The hours were reduced and additional conditions were added to the premises licence as a result of the review application.

The Premises Licence Holder and Designated Premises Supervisor has been Mrs Ishil Bursuk since the licence was first converted.

The premises is currently licensed to provide the following activities:

Activity	Times
Opening hours	07:30 – 01:30 Sun – Wed 07:30 – 03:30 Thurs - Sat
Supply of Alcohol (on and off sale)	10:00 – 01:00 Sun – Wed 10:00 – 03:00 Thurs - Sat
Films	07:30 – 01:0 Sun – Wed 07:30 – 03:0 Thurs - Sat
Indoor Sporting Events	12:00 – 01:00 Everyday
Live Music	12:00 – 01:00 Everyday
Recorded Music	07:00 – 01:00 Sun – Wed 07:00 – 03:00 Thurs - Sat
LNR	23:00 – 01:30 Sun – Wed 23:00 - 03:30 Thurs - Sun

This review application (submitted by the police) is the result of a violent incident taking place at the premises on 6th August 2015 by a known high ranking gang member.

This incident took place inside the premises but staff did not report it to the police or call an ambulance for the victim. Instead they were obstructive, tried to withhold CCTV footage, denied that the incident took place inside the premises and cleaned up the crime scene which could have held vital evidence.

The Licensing Enforcement Team and Planning Enforcement Team were already investigating this premises. Detailed below are all complaints, visits and observations carried out since the beginning of 2013:

04/05/13 – Out of Hours Licensing Enforcement Officers (CLB/TH) visited the premises at 00.18. On arrival there were two young men chasing each other around the car park (aged approximately 18-19 years). They were hitting cars, including the one the officers were in. The officers got out of the car to and walked to the front of the premises to listen for the origin of the significant sound escape which they could hear. 00.25 - a large amount of sound escape was from the right hand side of the building (as you face the building). It was coming from an old extractor vent, that was almost completely open. The officers walked towards the door (on the left hand side) and could see that the door was propped open. The music was very loud and could be heard clearly outside. There was no sign of any door supervisors. There were a number of customers standing and sitting around the decking by the door, some with drinks. One man walked across the car park towards Green Street with an almost full pint glass of what looked like lager. 00.26 – the officers entered the premises, went to the bar and asked for the manager. They met Bee Yurdakul (daughter of DPS). She said she was in charge that evening. 00.27 – the officers looked outside the rear door, to the garden and could see a man in the main hut in the middle of the garden. He looked like he was serving customers from there. The officers could also see a group of three people sitting in one of the shisha huts located in the rear garden. 00.28 – the officers went through the licence conditions with Bee Yurdakul. She confirmed that there were no door supervisors there nor were there going to be any there that night. The following seven conditions were being breached:

Condition 6 – All Staff shall receive drugs awareness training as part of their induction. No evidence of drug awareness training.

Condition 14 - All external doors and windows shall be kept closed but not locked during regulated entertainment.

Front door propped open during regulated entertainment. As the music was well above background level (It was at 'nightclub level'), Bee Yurdakul was advised that the door should remain closed. The door was propped open before, during and after the inspection.

Condition 21 - The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

No designated smoking area. Bee Yurdakul was asked where the designated smoking area was. She said it was at the front. When asked why there were customers at the rear and she said that was the designated area. When asked why there were people in

the back when the condition says it should be at the front she denied saying it was at the back. When asked again why the rear was being used she had no explanation.

00.45 – The officers walked around the outside rear garden. At the shisha bar they met Sofiene Selmi. He said he was running the shisha for Michael, the owner of the pub. There were two group of two people in two of the huts and a group of three in another. There was a strong smell of burning shisha tobacco. Sofiene Selmi said he was preparing shisha to be smoked. The officers could see and hear music being played from the main hut in the middle of the garden. Two speakers were on the counter-top. It was at a level that could be considered background level, but it was very quiet at the rear, so the sound could well have carried round to the streets at the back. The officers re-entered the pub and spoke to Bee Yurdakul about the activity in the rear garden. She was reminded that they were not permitted to use the rear garden 23.00 and that the front smoking area should be 'cordoned off and clearly sign posted'.

Conditions 22: At least one door supervisor shall be employed during regulated entertainment. From 23:00 a door supervisors shall monitor the outside smoking area and ensure that those using the smoking area do not create a noise disturbance to local residents. They shall also ensure that there is no entry to the premises after 23:00 other than by those using the smoking area.

There were no door supervisor employed. The officers reminded her they were required during regulated entertainment. The officers asked her how she could control entry from smokers versus new entrants without a door supervisor and with the door propped open. She said she was there, so she could stop them. When asked if she was SIA registered she said she was not.

Condition 24 - The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises 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 six months. Records must be made available to an authorised officer of the Council, 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.

There were no record of sound checks being carried out for that night. The officers advised that loud music was clearly audible outside due to the open door, open vent and volume of amplifier. Advised that checks around the area, including near the residential properties to the rear was essential.

Condition 25: Drinks shall not be allowed outside after 23:00.

Customers were seen with drinks outside after 23:00.

Condition 26: Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.

No notice displayed.

The non-compliances were detailed on an inspection report giving 14 days for compliance and advised that the potential noise nuisance must cease immediately. Officers advised that the door should be closed but it was not closed even when the officers left at 00.55.

18/05/13 - Out of Hours Licensing Enforcement Officers (CT/AA) visited the premises at 23:00 and spoke to Premises Licence Holder / DPS Mrs Bursuk. They checked the outstanding conditions and the following four breaches were found:

Condition 6 - No evidence of drug awareness training

Condition 14 - Door open when officers arrived - advised to keep closed - music on but no other entertainment - advised to keep door closed and turn music down to background level.

Condition 24 - No sound check sheets available

Condition 26 - No sign advising use of outside area.

Left inspection report and left premises at 23:30.

15/06/13 – 23:15 - Out of Hours Licensing Enforcement Officers (CLB/TH) visited the premises and spoke to Premises Licence Holder / DPS Mrs Bursuk. They checked the outstanding licence conditions and the following was not being complied with:

Condition 26

Mrs Bursuk said that she had not had any entertainment since the officers visited when her daughter was in charge. The officers advised her that they did not think her daughter should be left in charge. Whilst saying the officer saw and heard the daughter getting into a standing row with a customer at the bar over not very much. The officer notes state that they are concerned that her daughter is not responsible enough to run the premises properly. The officers walked around the rear outside area. All the lights were on but there were no customers and there was no shisha in the shed. Mrs Bursuk said they were not doing shisha at the moment. The officers left the premises at 23.30

17/09/13 – 11:00 - The Principal Licensing Officer (EVG) and Police Licensing Officer (MF) held a meeting with the DPS – Ishil Bursuk following concerns about a visit to the premises by the Metropolitan Special Constables Licensing on 14/09/13. During that visit the daughter and husband of the DPS had been abusive to the police and to customers. The meeting was also to discuss concerns about the number of calls the police were receiving in relation to anti-social behaviour, violence and rowdy behaviour at the premises. The officers told the DPS that they were concerned about her ability to manage the premises and recommended that an alternative DPS be employed.

19/06/14 – Licensing Enforcement Officer (CPX) and Police Licensing Officer (MFX) visited the premises during the World Cup. 19:05 - 19:10 - Spoke to DPS - Ishil Bursuk. The premises was quiet. Mrs Bursuk advised the officers that they only had 30 customers in on the Saturday and that she was using plastic glasses.

12/11/14 – Officers from Licensing Enforcement, Trading Standards and Planning Enforcement (CPX, SML, JF) visited the premises at 11:25 - 11:40. Full licence inspection carried out. Condition 9 - CCTV not working correctly - to be repaired. Condition 12 - Toilet checks seen up to mid October 2014 - need to be done every two hours. Condition 6, 17, 18 - Training records not available for recent training - last seen 16/04/13 - recommend at least every six months. Discussed shisha as there were 13 shisha huts in the rear garden. They were currently be refurbished. Mrs Bursuk agreed to let officers know when they are ready to use the garden. There is a central bar outside which will sell soft drinks, tea and coffees. The outside area can only be used until 11pm. Mrs Bursuk advised officers that she would be employing someone to run the shisha garden.

26/11/14 – Licensing Enforcement Officer (CPX) visited the premises 14:15 - 14:30 - Revisit to check Condition 9, 12, 6, 17 and 18. Training still outstanding - records to be sent to officer via email within 14 days when staff return from leave. Advice will be sent regarding shisha huts. The officer requested they let them know when they are ready to be used. Advised that curtains would need to come down at a minimum as currently the smoking areas are more than 50% enclosed.

03/12/14 – Training records received.

04/07/15 – 22:07 - The Out of Hours Noise Team received a complaint from a local resident in relation to loud music coming from the back of the premises. The complaint also alleged that the rear garden area is used by patrons after the permitted times. The complainant alleged that was an ongoing problem mainly on Thursday, Friday, Saturday and Sundays but also sometimes on Mondays. They stated that a music system has been installed at the back blasting out music until the early hours of the morning and then noisy patrons kept them awake until 3.30am. The complainant advised that they were having to keep their windows closed to try and keep out the noise and that it was affecting their sleep. At 22:45 the officers telephoned the complainant who confirmed that the issue was ongoing. At 23:38 the officers visited the complainant's property. Music from the pub's garden was clearly audible from within the complainant's bedroom. **This undermines the prevention of nuisance licensing objective.** The window was open due to the warm weather and the officers could see lights and hear music coming from the pub garden. **BREACH OF CONDITION 21 AND CONDITION 24.** The complainant advised that they have regular issues with loud music, smoke from smokers in the pub garden and loud/rowdy customers outside the pub. The complainant was aware that the licence had been amended in 2009 and though issues had died down for a while after that they said that things had become worse again in recent times. 23:50 - Whilst leaving the complainant's premises people noise / screaming could be heard coming from the pub over the music. 00:10 - the officers visited the premises. By this time the music had finished and they were advised by staff that it was a one - off birthday celebration.

10/07/15 – 23:20 – Out of Hours Noise Officers carried out observations of the premises (Jl). They initially started their observations from the rear in Greenmoor Road. From here some music was audible but not loud (there was no bass only treble) **BREACH OF CONDITION 24.** When they went to the front of the premises there were 6 people using the outside seating area. The officers entered the premises at 23:30 and went out to the rear garden where they found 13 customers and 3 staff. **This was a breach of Condition 21** which states: The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area. The central 'kiosk' has staff in and there were 3 men at its window. Apparently nothing was being sold at that time. The officers spoke to Mrs Bursuk who claimed that the licensee for the rear garden is Mr Ibrahim Gumus and that he does not listen to her when she tells them not to continue past the licensed hours. The officer reiterated that the licence states the use of the rear garden must end by 23:00 and that it was now past 23:30. They staff said that they thought the limit was midnight. Officer pointed out the sign that was just inside the door of the premises leading to the rear garden which stated the 23:00 time limit. The officers left the premises at 23:40 advising that their findings would be passed on to the Licensing Enforcement Team.

31/07/15 – Out of Hours Licensing Enforcement Officers (JF/CPX) visited the premises at 00:15. The premises was open and the rear garden was being used. No alcohol

was seen in the rear garden. Three shisha huts were in use and more than 50% enclosed. The officers spoke to Mrs Bursuk and three males from a firm called Ala Rabi who were running the shisha garden. **Condition 21** was being breached at the time of the visit as the rear garden was being used after 23:00. Planning permission conditions 1 and 3 were also being breached under Ref TP/11/1119. The officers left at approximately 00:30. **See Appendix 1a-m for photos taken during the visit.** These show the large number of shisha huts in the rear garden and give an idea of how large the garden area is.

04/08/15 - A warning letter was sent to the Premises Licence Holder / Designated Premises Supervisor in relation to the breach of licence condition and the use of the smoking shelter. The letter advised the Premises Licence Holder that failing to comply with any condition attached to a Premises Licence is a criminal offence, which on conviction is punishable by a fine of up to £20,000, up to six months imprisonment or both. It also reminded her that where complaints concern licensed premises and those complaints relate to the licensing objectives any responsible authority and any interested party may ask the Council, as Licensing Authority, to review the Premises Licence and what the results of the review could be. **See Appendix 2.**

06/08/15 – Incident occurred which lead to this licence review. See police review for details. The victim was permitted to enter the premises after the permitted time – **BREACH OF CONDITION 7.**

Planning:

REFERENCE: TP/11/1119

PROPOSAL: Retentions of huts to rear garden for the provision of shisha
Retrospective planning permission for the shisha huts was granted subject to a number of conditions. The Planning Enforcement Team are in the process of serving a breach of condition enforcement notice and breach of condition notice relating to the use of the shisha huts by an another management company (breach of condition) and the covering of more than 50% of the shisha huts (breach of condition).

Location:

This premises is located on Hertford Road between Carterhatch Lane roundabout and Green Street roundabout. This is mainly a commercial area however there are residential properties that back on to the premises and there are also residential properties above some of the shops.

Cumulative Impact Policy (CIP):

This premises is located in the Enfield Highway Cumulative Impact Policy Area. The CIP relates to all new and variation applications. The CIP states the core hours that should not be exceeded for each type of premises in particular locations. As demonstrated in the CIP this location is an area of concern in relation to crime and disorder and public nuisance. The hours on this licence currently exceed those specified in the CIP.

Activity	Current Times	CIP Times
Opening hours	07:30 – 01:30 Sun – Wed 07:30 – 03:30 Thurs - Sat	N/A
Supply of Alcohol (on and off sale)	10:00 – 01:00 Sun – Wed 10:00 – 03:00 Thurs - Sat	10:00 – 00:00 Everyday

Films	07:30 – 01:0 Sun – Wed 07:30 – 03:0 Thurs - Sat	09:00 – 00:00 Everyday
Indoor Sporting Events	12:00 – 01:00 Everyday	09:00 – 00:00 Everyday
Live Music	12:00 – 01:00 Everyday	09:00 – 00:00 Everyday
Recorded Music	07:00 – 01:00 Sun – Wed 07:00 – 03:00 Thurs - Sat	09:00 – 00:00 Everyday
LNR	23:00 – 01:30 Sun – Wed 23:00 - 03:30 Thurs - Sun	23:00 – 00:00 Everyday

Conclusion:

I wish to make representation on all four licensing objectives:

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

This is the second time this licence has been reviewed.

Given the violent nature of this incident and the multiple licence breaches despite numerous previous visits and meetings by police and council officers **the Licensing Authority fully supports the review submitted by police.**

Licence breaches witnessed by Council officers:

Year	2012	2013	2014
Number of Breaches	12	8	6

The victim was allowed to enter the premises after the permitted time. If the condition restricting the last entry time had been complied with the victim would not have been allowed to enter the premises and it could therefore be argued that the attack would not have happened.

The police report shows that the DPS initially lied to the police about what had occurred and did not phone the police or an ambulance for the victim. They even allowed the crime scene to be cleaned.

The conditions relating to the use of the rear garden have repeatedly been breached leading to noise nuisance for local residents and a lack of confidence in the current DPS. Concerns about her ability to manage the premises were first raised in September 2013. **The Licensing Authority supports the police's recommendation that the DPS should be removed from the licence and recommend that the new DPS not be a relative of the current DPS.** Officer notes show breaches when her daughter was left in charge of the premises and police reports show violent incidents involving her son and also her husband. Once the full names of these individuals are known a condition could be added to the licensing preventing them from working at the premises.

Given the close proximity to residential properties, the recent noise complaints and officer observations the Licensing Authority does not think that this is a suitable location for a late night premises. This is supported by the fact that residents have had to review the licence in the past and by the introduction of a CIP. **The Licensing**

Authority therefore fully supports the reduction of licensed hours as requested by the police.

The Licensing Authority also fully supports the amendments to the licence conditions as requested by the police.

As known gang members frequent this premises the Licensing Authority does not think it is a suitable venue for children. The Licensing Authority also has concerns about the use of the outside seating area. These concerns have been addressed by way of conditions as detailed below:

Current licence conditions:

Annex 2 - Conditions consistent with the Operating Schedule

5. 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.

6. All Staff shall receive drugs awareness training as part of their induction.

7. No entry shall be allowed to the premises after 23:00.

Amend to: No entry or re-entry to the premises shall be permitted after 23:00 except for those who have gone outside to smoke.

This condition is dependent on the final licence times imposed by the Licensing Committee.

8. No children under 18 years of age shall be permitted on the premises after 23:00.

Amend to: Children shall not be permitted to enter any part of the premises at any time.

9. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras shall be sited to observe the entrance doors both inside and out, the counter, all floor areas; (2) The internal cameras facing the entrance doors shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. These camera shall capture a minimum of 25 frames per second; (3) Cameras viewing till/counter areas shall 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) Provide a monitor in full view of customers entering the premises. This monitor must display the images of said customers; (11) Have a separate 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 on the front entrance door and in the customer area to advise that recorded 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 on request.

10. Toughened glasses shall be used at the premises.

Remove and replace with police condition

11. The premises shall operate the Local Authority or similar proof of age scheme and display the relevant material. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) shall be accepted.

Amend to: A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

12. From 19.00 until close, toilets at the premises shall be checked for any sign of drug use approximately every two hours and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6 months. Records shall be made available to an officer of the Council or Police upon request.

13. At least 6 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

14. All external doors and windows shall be kept closed but not locked during regulated entertainment.

15. No children under 14 years of age other than those of the Manager shall be permitted on the premises at any time, save for in the restaurant area, up to 21:00 only.
Remove see amended condition 8.

16. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street.

17. All staff must receive induction and refresher training, relating to the sale of alcohol.

Amend to: 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 shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

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

19. When employed, at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons from the premises and car park area.

20. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.

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

21. The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

Amend to: The external seating areas shall not be used after 21:00 Monday to Sunday. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

22. At least one door supervisor shall be employed during regulated entertainment. From 23:00 a door supervisors shall monitor the outside smoking area and ensure that those using the smoking area do not create a noise disturbance to local residents. They shall also ensure that there is no entry to the premises after 23:00 other than by those using the smoking area.

Amend to: Condition recommended in police review application

23. 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. Similar notices shall also be positioned in the garden and smoking areas.

24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises 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 six months. Records must be made available to an authorised officer of the Council, 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. Drinks shall not be allowed outside after 23:00.

26. Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.

27. A noise-limiting device shall be installed to all amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.

Add:

- 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.
- Music shall not be provided in the rear outside seating area at any time.

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

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

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

Date: 15/09/2015

Appendix 1a



Appendix 1b



31 07 2015 00 21

Appendix 1C



Appendix 1d

31.07.2015 00:22



Appendix 1E



31.07.2015 00:22



It Is Illegal To
Sell Tobacco
Products To
Anyone Under
The Age Of 18

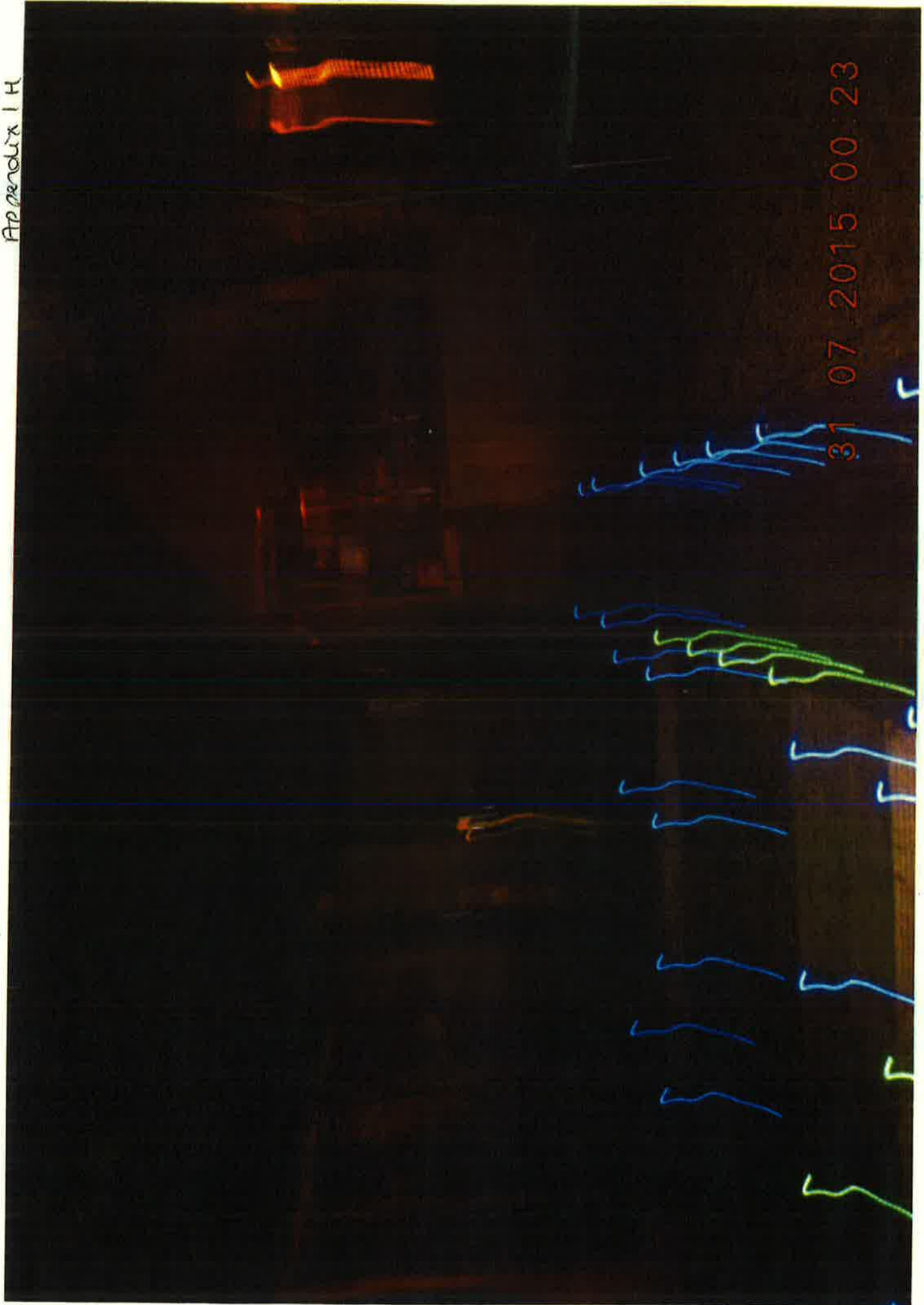
31 07 2015 00 22



31.07.2015 00:22

Appendix 19

Appendix I H



Appendix I



31 07 2015 00 23

APPENDIX 1 J

31 07 2015 00 23



APPENDIX I R



31 07 2015 00:24

APPENDIX 1 L

31 07 2015 00:26



APPENDIX 4M

**It Is Illegal To
Sell Tobacco
Products To
Anyone Under
The Age Of 18**

31.07.2015 00:26

Mrs Ishil Bursuk
 The Black Horse Public House
 179 Hertford Road
 Enfield
 EN3 5JH

Please reply to: Charlotte Palmer
 Licensing Enforcement Officer
 Pollution Control, Planning and
 Licensing Enforcement Team
 Regulatory Services
 Tel: 0208 379 3965
 Fax: 0208 379 2190
 Minicom:
 Email: charlotte.palmer@enfield.gov.uk
 My Ref: WK/215025881
 Your Ref:
 Date: 4th August 2015

Dear Mrs Bursuk

The Black Horse Public House, 179 Hertford Road, Enfield, EN3 5JH

I write to you as the Premises Licence Holder and DPS of the above premises following my visit to the premises on the evening of Thursday 30th July – early hours of Friday 31st July 2015.

The visit was made to see whether the rear garden was being used after the permitted hours following recent noise complaints.

Licence conditions

The following conditions were attached to your licence at a review hearing in 2009. The review application was submitted by a local resident and was supported by the police and local authority. The review directly related to noise and disturbance caused by the use of the rear garden late at night. The result of the review hearing was that these conditions were added to the licence to restrict use of the garden area.

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

21. The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

22. At least one door supervisor shall be employed during regulated entertainment.

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

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



The Government Standard

From 23:00 a door supervisors shall monitor the outside smoking area and ensure that those using the smoking area do not create a noise disturbance to local residents. They shall also ensure that there is no entry to the premises after 23:00 other than by those using the smoking area.

23. 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. Similar notices shall also be positioned in the garden and smoking areas.

24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises 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 six months. Records must be made available to an authorised officer of the Council, 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. Drinks shall not be allowed outside after 23:00.

26. Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.

27. A noise-limiting device shall be installed to all amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.

When I arrived at the premises at 00:15 with my colleague Jo Falzone the rear garden area was still being used. This is a breach of the licence conditions.

Failing to comply with any condition attached to a licence is a criminal offence, which on conviction is punishable by a fine of up to £20,000, up to six months imprisonment or both.

I would also like to take this opportunity to remind you that where complaints concern licensed premises and those complaints relate to the licensing objectives (which are: crime & disorder; public nuisance; public safety; and the protection of children from harm) any responsible authority (including the Police, Environmental Health) and any interested party (including local residents and businesses) may ask the Council, as Licensing Authority, to review the Premises Licence. In considering any review application, the Council's Licensing Sub-Committee may choose to:

- revoke the licence;
- suspend the licence for up to three months;
- remove the DPS from the licence;
- exclude a licensable activity from the licence; and
- modify the conditions of the licence.

Health Act 2006 - Smoke-Free Legislation

A large number of shisha huts were seen in the rear garden of the premises all of which were more than 50% enclosed. It is illegal to smoke in enclosed and substantially enclosed public places.

Failure to comply with this legislation is a criminal offence and individuals can be fined a fixed penalty of £50 for smoking in a smoke-free premises (or £30 if paid within 15 days). They could also be prosecuted and face a fine of up to £200.

If the management or person in control of any no smoking premises fails to prevent smoking, they could be prosecuted and face a fine up to £2,500.

It is therefore in your interest to ensure that your staff and customers are aware of the legislation and the possible consequences of non-compliance.

I have enclosed a guide to assist you in understanding what is and isn't permitted in relation to smoking shelters. It is important that you understand that the 50% rule also applies to any fabric that covers or is capable of covering the huts.

Officers shall carry out further observations of you premises to ensure the huts are not more than 50% enclosed and that the rear garden is not used after the permitted times specified on the licence.

Yours sincerely

Charlotte Palmer
Licensing Enforcement Officer



GOSSCHALKS

SOLICITORS

BY FIRST CLASS POST AND EMAIL

Licensing Unit
London Borough of Enfield
PO Box 57 Civic Centre
Silver Street
Enfield EN1 3XH.

Please ask for: Richard Taylor
Direct Tel: 01482 590216
Email: rjt@gosschalks.co.uk
Our ref: MCJ / MJM / 098454.21203
#GS344199
Your ref:
Date: 02 September 2015

Dear Sirs,

re: **Licensing Act 2003 – Review Proceedings**
The Black Horse, 179 Hertford Road, Enfield

We act on behalf of Enterprise Inns PLC. Our client is the freeholder owner of these premises and we thank you for forwarding a copy of the application for review of the premises licence issued by Metropolitan Police.

We would be grateful if you would accept this letter as a formal representation on behalf of our client. Enterprise Inns PLC owns around 5500 public houses in England and Wales. The vast majority of those premises are the subject of a lease/tenancy agreements by which the tenant operates his/her/its own business out of our client's premises. The lease/tenancy agreement makes it clear that all operational responsibility for the premises lie with the tenant.

The Black Horse is the subject of a 30 year lease agreement in favour of Mrs Bursuk, the premises licence holder and designated premises supervisor. That 30 year lease was completed in November 2003 although Mrs Bursuk has been operating these premises since September 1994.

Please note that we take a wholly neutral stance with regard to the allegations raised in the application for review. As our client has no operational responsibility for these premises, it cannot comment on the specific allegations.

The representation we make on behalf of our client is that the Committee needs to investigate the circumstances of the allegations and the issues that have given rise to the application for review. Indeed, the Home Office guidance (March 2015 edition) indicates that, "It is expected that Licensing Authorities should so far as possible, seek to establish the cause of causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response to address the causes of concern that instigated the review."

We note that the Police have suggested the reduction in hours for licensable activities although it is not clear from the application for review when any of the incidents took place. The Police also appear to seek the reduction in alcohol sale hours on the basis that the premises fall within a cumulative impact area. The Committee will no doubt be aware of the Home Office guidance upon whether or not this is relevant in the context of a review application (paragraph 13.37). This appears to be something upon which the Police will seek to rely.

We would respectfully submit that the Committee needs to consider the circumstances in this case, including the fact that the operators have operated these premises for many years without apparent complaint, identify what has happened and direct any remedial action at the causes.

It may well be that the Committee feels that imposition of additional conditions is appropriate but we respectfully submit that on the evidence given as part of the review application, it cannot follow that it is the hours of operation that are the problem.

At this stage, we would be grateful if you could acknowledge receipt of this representation and advise as to the date of the hearing as our client may seek to expand upon the issues raised within this letter of representation by appearing before the Licensing Committee when it considers the application for review.

We look forward to hearing from you.

Yours faithfully



GOSSCHALKS

THE BLACK HORSE – CONDITIONS PROPOSED BY THE POLICE & LA

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. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made : (a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board; or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.**
- 4. Immediately before each exhibition of a film passed by the British Board of Film Classification there shall be exhibited on a screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.**

Annex 2 - Conditions consistent with the Operating Schedule

- 5. 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.**
- 6. All Staff shall receive drugs awareness training as part of their induction.**
- 7. From 19.00 until close, toilets at the premises shall be checked for any sign of drug use approximately every two hours and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6**

months. Records shall be made available to an officer of the Council or Police upon request.

8. At least 6 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.
9. All external doors and windows shall be kept closed but not locked during regulated entertainment.
10. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street.
11. When employed, at least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons from the premises and car park area.

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

12. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.
13. 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. Similar notices shall also be positioned in the garden and smoking areas.
14. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises 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 six months. Records must be made available to an authorised officer of the Council, 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.
15. Drinks shall not be allowed outside after 23:00.
16. Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.
17. A noise-limiting device shall be installed to all amplification equipment in use on the premises. The noise-limiting device shall be maintained in

effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.

PROPOSED BY THE METROPOLITAN POLICE

18. Installation of a comprehensive CCTV system that complies with the following:

- (1) All entry and exit points will be covered enabling frontal identification of every person entering in any light condition**
- (2) All recordings shall be stored for a minimum of 31 days with correct date and time stamping.**
- (3) Recordings shall be made available immediately upon request of police or authorised officer throughout the preceding 31 day period.**
- (4) The CCTV system should be updated and maintained according to police recommendations.**
- (5) A staff member from the premises who is conversant with the operation of the CCTV system shall be on the premises at all times when the premises is open to the public. This staff member must be able to show a police officer or authorised council officer recent data or footage with the absolute minimum of delay when requested.**

19. Introduction of minimum of 2 SIA accredited door staff from the hours of 2000hrs until close every day.

20. All patrons will be searched as a condition of entry from 2000hrs.

21. All drinking vessels to be replaced with polycarbonate drinking vessels and these are to be used at all times.

PROPOSED BY THE LICENSING AUTHORITY

22. No entry or re-entry to the premises shall be permitted after 23:00 except for those who have gone outside to smoke.

23. Children shall not be permitted to enter any part of the premises at any time.

24. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

25. 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.

26. 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.

27. The external seating areas shall not be used after 21:00 Monday to Sunday. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

28. 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.

29. Music shall not be provided in the rear outside seating area at any time.

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LICENSING SUB-COMMITTEE - 16.9.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 16 SEPTEMBER 2015**

COUNCILLORS

PRESENT (Chair) Derek Levy and Glynis Vince

ABSENT Chris Bond

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Gary Marsh (Metropolitan Police Licensing Officer), Dina Boodhun (Legal Services Representative), Jane Creer (Democratic Services)

Also Attending: Ms Ailsa Williamson and PC Martyn Fisher (on behalf of Metropolitan Police Service)
3 x LBE officers observing
Mr Argon Xhauri (purchaser of business, 1 Jute Lane) (part of meeting)

131**WELCOME AND APOLOGIES FOR ABSENCE**

NOTED

1. Apologies for absence were received from Councillor Bond, who was unwell and unable to attend the meeting.
2. In the absence of Councillor Bond, the Vice Chair Councillor Levy chaired the meeting.
3. The Chair welcomed all those present and explained the order of the meeting.

132**DECLARATION OF INTERESTS**

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

133**CLUB ZEROS, 1 JUTE LANE, ENFIELD, EN3 7PJ (REPORT NO. 71)**

RECEIVED the application made by the Metropolitan Police Service for a summary review of the Premises Licence held by Ebony Ice Productions UK Ltd at the premises known as and situated at Club Zeros, 1 Jute Lane, Enfield, EN3 7PJ.

LICENSING SUB-COMMITTEE - 16.9.2015

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. This application was for a Summary Review of the Premises Licence for Club Zeros made by the Metropolitan Police Service.
 - b. The application was made for revocation of the licence.
 - c. At a meeting on 26 August 2015 the Licensing Sub-Committee considered that it was not appropriate to take any interim steps.
 - d. The premises had a significant licensing history, as summarised in the agenda report.
 - e. The premises was currently known as Club Zeros. The licence holder was Mr Uchechukwu Obobi, Director of Ebony Ice Productions UK Ltd. The former designated premises supervisor (DPS) was Mr Ilker Ahmet. On 2 September 2015 Mr Ahmet surrendered his position as DPS at Club Zeros. No application to vary the DPS had been made since that date.
 - f. A check by officers this morning with Companies House showed that Ebony Ice Productions UK Ltd was still active. This was the company which the Licensing Authority had been dealing with in relation to this hearing.
 - g. To date, no transfer application had been made in respect of the premises licence, despite information provided by Mr Obobi in respect of the sale of the business.
 - h. Yesterday, an email had been received from Mr Obobi in Nigeria to confirm that neither he nor any representative from Ebony Ice Productions would be in attendance at this meeting.
 - i. A further email was received from Mr Obobi to confirm that he would like to be removed as premises licence holder with immediate effect. The Licensing Authority was not able to accept this as a surrender of the licence as it did not meet required criteria. Therefore the review application still stood.
 - j. The Metropolitan Police Service were present at this hearing, represented by Ms Ailsa Williamson.
 - k. The Licensing Authority was in support of the review application.
2. In response to the Chair's queries, it was confirmed that since 2 September the licence had been inoperable for the sale of alcohol, though licensable activities were still permitted, and it was confirmed that no new owner had been officially named as the licence holder.
3. The statement of Ms Ailsa Williamson on behalf of the Metropolitan Police Service, including the following points:
 - a. This was a premises where there had been a number of owners and DPSs, and a number of reviews following stabbings and shootings.
 - b. The current review had been triggered by an incident on 22 August 2015.
 - c. PC Gary Marsh made a statement and offered to show relevant CCTV footage for Members' information. He was now of the view that the account given to Police by Mr Obobi and staff of Club Zeros, that the victim had

LICENSING SUB-COMMITTEE - 16.9.2015

presented himself at the club, was not correct. From the CCTV footage it could be seen that the victim was inside the club, then in the smoking area which could only be accessed from within the club. When the victim came towards the camera it was clear that he had been stabbed. At that stage, the gate was opened so that he could come back inside via the club's main entrance. It was clear now that the victim had been in the club and that whoever stabbed him was also a patron in the club. Over the months there had been repeated breaches of licensing conditions. This sort of incident should have been avoided. It was due to poor management and breaches of conditions that this was allowed to happen. The premises management had not been very co-operative with Police, and attempts to hold open meetings had not been successful. There was now no DPS at the premises. Mr Obobi, Director of Ebony Ice Productions, had notified the Licensing Authority that he has moved permanently to Africa and now had no dealings with the club. There was no effective management of the premises. It was a scary prospect that the club could potentially open without a DPS, without effective management, and with no liaison with the authorities. Therefore, revocation of the licence was the only option for promotion of the licensing objectives. There were no further conditions which could be added to the licence to address concerns. A suspension of the licence for a temporary period would also not be appropriate in this case. There was a need for a fresh start: this could only come from a licence revocation.

d. In response to the Chair's queries, clarification was provided on procedures to apply for transfer of a licence and for a new licence, with confirmation that no such applications had been received.

e. In response to Councillor Vince's queries regarding use of Police powers, PC Marsh advised that on the night of 22 August, following deployment of 47 Police officers, essentially the premises was shut and the Police then removed themselves. The following night, paperwork was readied to close the premises, but the club was not opened. It was kept under monitor to ensure it did not re-open. Under the Criminal Justice and Police Act 2001, the Police also had different powers over a longer time period.

f. In response to the Chair's further queries, it was advised that further to a closure order earlier in the year, the Police, in a graduated approach to enforcement, had been working with Club Zeros, including meetings and visits. Particular emphasis had been placed on proper searching and door operations. There had been a period with no breaches of conditions and it was hoped that management of the business had been improved and that conditions would be complied with. A £10k surety had been deposited at court. Once the conditions were no longer in breach the Police had to lift the closure order. Unfortunately, there had then been further breaches. The incident of 22 August could be described as a final straw. Police had been trying to work with the licence holders, and nobody wished to see a business which was meeting a public demand to be closed, but the club had unfortunately slipped back into its old ways. The Police now

LICENSING SUB-COMMITTEE - 16.9.2015

considered that there was no alternative but to seek revocation of this licence.

4. The CCTV footage taken from the venue from 22 August 2015 was shown in support of the Police representation. PC Marsh provided commentary, highlighting the presence of the first stabbing victim inside the club, and also drawing attention to evidence of poor scanning and searching of patrons on entry and the considerable number of people in the outside smoking area.
5. Mr Xhauri and companion (new owner of the premises at 1 Jute Lane) arrived at the meeting at this point.
6. The statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority supported this review application seeking revocation of the premises licence.
 - b. DCMS guidance was highlighted 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 'as the base for the organisation of criminal activity, particularly by gangs'. 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.
 - c. Evidence suggested that this premises was attracting criminal gangs.
 - d. In March 2015, officers met with the premises licence holder and designated premises supervisor following many breaches of licence conditions. Advice was given, verbally and in writing. A graduated approach to enforcement was used to work with the business. A warning was given that further breaches could result in a review or prosecution.
 - e. It was clear from the premises' CCTV footage from 22 August 2015 that the first victim was stabbed inside the premises.
 - f. Proper searching should have prevented weapons being brought into the club.
 - g. Operation of the premises has had a negative impact on local residents and undermined the licensing objectives.
 - h. This premises had been a repeated source of serious crime and disorder no matter who the owners were. This was the third licence review.
 - i. The licence already had a large number of conditions attached for promotion of the licensing objectives.
 - j. CCTV footage showed that the business was very poorly managed.
 - k. At times neither the premises licence holder nor designated premises supervisor were on site.
 - l. Identification of club patrons was difficult. The club scan system was not being used correctly.

LICENSING SUB-COMMITTEE - 16.9.2015

- m. Poor management of the club had continued despite numerous interventions by the Police and the Licensing Authority.
 - n. The Licensing Authority fully supported this review brought by the Police.
7. Charlotte Palmer responded to Members' questions including the following:
- a. The Chair asked about the implications on the premises' new owners of any outcome of this hearing. It was confirmed that if this licence was revoked, a new owner would need to apply for a new licence. This may be a preferred way forward for a fresh start. The Licensing Authority had not yet spoken with the business purchaser, but had been led to understand that use as a banqueting suite was proposed. It should be noted that such a change of use would require planning permission, the application for which would also take time. It was confirmed that a new owner would not be able to appeal the decision made by the Licensing Sub-Committee today. In any case, the current premises licence would be unsuitable for a banqueting suite use. A variation would be needed in respect of the conditions and a new layout of the premises. The fee was the same to make an application to vary a licence as for an application for a new licence. It was recommended that the new owners should talk to the Licensing Authority to discuss an application submission and an appropriate way forward.
 - b. In response to the Chair's queries about the history of the premises and that a review had not been submitted earlier, it was advised that a lot of time and effort by the Licensing Authority and the Police had gone into working with the business towards making it run successfully. Appropriate conditions were in place. There had been compliance at some points. It should be noted that the club was not open every night and was sometimes closed for two or three weeks then open twice in one weekend, which may be another relevant factor.
 - c. Councillor Vince asked whether any comparison could be made with similar premises in terms of lack of co-operation with Licensing and Police input. PC Marsh advised that after such an intervention by officers, full compliance by a licensed premises would be the norm. Charlotte Palmer advised that in her view, this club had given up.
8. The closing statement of Ellie Green, Principal Licensing Officer:
- a. Having heard all of the representations, the sub-committee must take such steps as it considered appropriate for the promotion of the licensing objectives.
 - b. Members' attention was drawn to relevant law and guidance, with emphasis on Home Office guidance at sections 11.27 and 11.28.

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

LICENSING SUB-COMMITTEE - 16.9.2015

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 read, heard, and fully considered the written and oral submissions of all parties, the Licensing Sub-Committee has determined that revocation of the licence is appropriate - and necessary – for the effective promotion of the licensing objectives

It is the view of the sub-committee that the Metropolitan Police Service, in bringing this summary review, and the Licensing Authority in supporting it, have each made their respective cases in full. The Licensing Sub-Committee was fully persuaded by the arguments advanced and the evidence submitted to support the case for revocation.

At the hearing, we were told that that the extant Premises Licence Holder (Mr Uche Obobi, on behalf of Ebony Ice Productions) had little over 24 hours before the hearing clearly signalled his intention to surrender the licence. However, a combination of such late timing and the ineligible criteria and processing of the surrender rendered it impossible to achieve before today’s hearing took place. Therefore, as such, the case remained in contention and had to proceed.

Reinforcing the decision to revoke, the Licensing Sub-Committee applied strong weight to the statutory Home Office Guidance at sections 11.27 and 11.28 which states that revocation, even in the first instance, may be deemed appropriate in the event of serious criminality and actual crime and disorder taking place on licensed premises.

This was not the first time that these premises, in various guises, had been subject to review on account of serious criminal incidents occurring at the venue. We were further influenced by evidence of reported breaches of significant conditions, both over time as well as those evidenced on the night, particularly relating to controlling entry into the venue, that were said to have not been in compliance. If effectively managed, and indeed if the general management was properly exercised, the stabbing incidents which directly led to this review might have been prevented and the licensing objectives not so undermined

These management failures were deemed as major aggravating factors in persuading the sub-committee to arrive at its decision.”

LICENSING SUB-COMMITTEE - 16.9.2015

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

134

MINUTES OF PREVIOUS MEETINGS

RECEIVED the minutes of the meetings held on 13 May and 27 May 2015.

AGREED that the minutes of the meetings held on 13 May and 27 May 2015 be confirmed and signed as a correct record.

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