

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 3 February 2016 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

Contact: Jane Creer
Committee Secretary
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Council website: www.enfield.gov.uk

Councillors : Derek Levy (Chair), Vicki Pite and Peter Fallart

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. AKDENIZ SUPERMARKET (ENFIELD) LTD, 463-465 HERTFORD ROAD, ENFIELD, EN3 5UT (REPORT NO. 182) (Pages 1 - 26)

Application to vary a premises licence.

4. MINUTES OF PREVIOUS MEETINGS (Pages 27 - 48)

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

Wednesday 2 December 2015
and
Wednesday 16 December 2015.

5. EXCLUSION OF THE PRESS AND PUBLIC

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

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MUNICIPAL YEAR 2015/16 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
3 February 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Application to vary a premises licence PREMISES : Akdeniz Supermarket (Enfield) Ltd, 463-465 Hertford Road, ENFIELD, EN3 5UT. WARD : Enfield Highway	

1.0 LICENSING HISTORY

- 1.1. The premises licence (LN/201300974) for Akdeniz Supermarket (Enfield) Ltd was issued on 14/2/2014 naming Mr Erdal Aktas as Premises Licence Holder and Mr Mustafa Simsek as DPS. The application was not subject to any representations, and was granted by officers in accordance with delegated powers.
- 1.2. On 8/12/15, a transfer and vary DPS application was granted, naming Mr Musa Aktas as the Premises Licence Holder and DPS. The application was not subject to any representations, and was granted by officers in accordance with delegated powers.
- 1.3. Companies House records (22/1/16) shows that the current Director of Akdeniz Supermarket (Enfield) Ltd is also Mr Musa Aktas, appointed on 1 July 2015.
- 1.4. The premises was previously named Farm Food Centre and Kizilirmak Food Centre, and a premises licence was held between 1/4/08 and 21/12/10 when the licence was surrendered.

2.0 CURRENT POSITION:

2.1 The current Premises Licence permits:

- 2.1.1 Hours the premises are open to the public: 08:00 to 23:00 daily
- 2.1.2 Supply of alcohol (off supplies only): 08:00 to 23:00 daily

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

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

3.0 THIS APPLICATION:

3.1 Application is made by Mr Musa Aktas for a variation of Premises Licence LN/201300974. The application seeks:

3.1.1 Hours the premises are open to the public: 24 hours daily.

3.1.2 Supply of alcohol (off supplies only): 08:00 to 02:00 daily.

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

3.3 Each of the Responsible Authorities were consulted in respect of the application.

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

4.0 RELEVANT REPRESENTATIONS :

4.1 Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services): Representation is made on the grounds of the prevention of public nuisance. The authority considers that it is appropriate, for the promotion of the licensing objectives, for the parts of the application that are within the CIP core hours to be granted and for the parts of the application variation that are outside the CIP core hours to be refused.

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

5.0 PROPOSED LICENCE CONDITIONS

5.1 No additional conditions are sought in relation to this application by the applicant or Licensing Authority.

6.0 RELEVANT LAW, GUIDANCE & POLICIES :

6.1 The paragraphs below are extracted from either:

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

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

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

General Principles:

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

- 6.3 The licensing objectives are:
- 6.3.1 the prevention of crime and disorder;
- 6.3.2 public safety;
- 6.3.3 the prevention of public nuisance; &
- 6.3.4 the protection of children from harm [Act s.4(2)].

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

Cumulative Impact Policy:

- 6.5 The applicant premises/club premises is located in the Enfield Highway Cumulative Impact Policy Area [Pol s.9.22/23].
- 6.6 The application is for a variation of a premises licence [Pol s.9.22/23].
- 6.7 The application is subject to a relevant representation [Pol s.9.22/23].
- 6.8 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.22/23].
- 6.9 The Core Hours for this application are:
- 6.9.1 Sale/supply of alcohol (off supplies only): Monday to Sunday Indoors and/or outdoors 08:00 to 00:00 [Pol s.9.24.1]:
- 6.10 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.23].
- 6.11 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.35].

Hours:

- 6.12 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities. However, licensing authorities must always consider each application and must not impose predetermined licensed opening hours, without giving individual consideration to the merits of each application. [Guid 10.13].

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

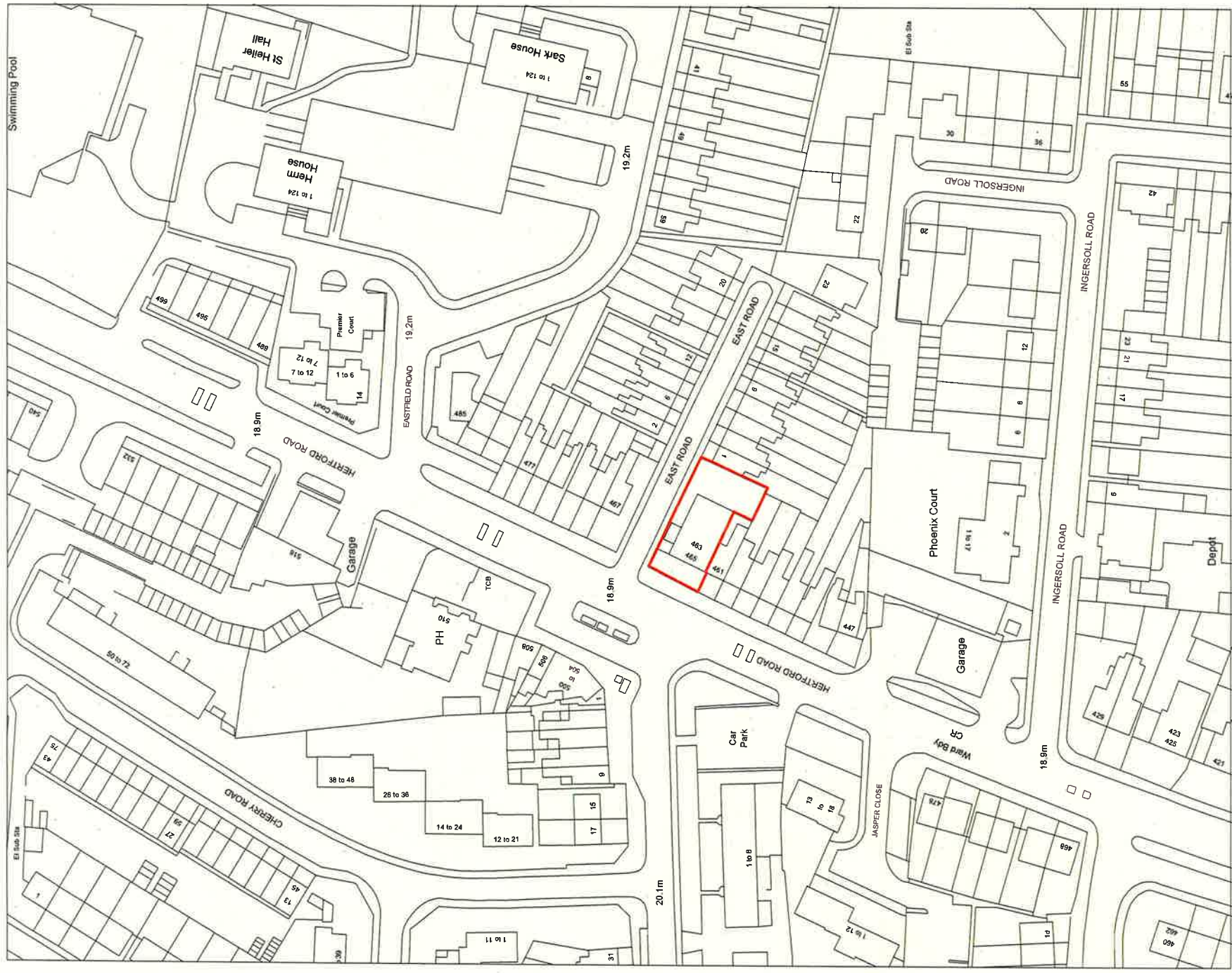
Decision :

- 6.14** As a matter of practice, licensing authorities 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. A responsible authority or other person may choose to rely on their written representation. They may not add further representations to those disclosed to the applicant prior to the hearing, but they may expand on their existing representation. [Guid 9.36].
- 6.15** In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
- 6.15.1** the steps that are appropriate to promote the licensing objectives;
 - 6.15.2** the representations (including supporting information) presented by all the parties;
 - 6.15.3** the guidance; and
 - 6.15.4** its own statement of licensing policy [Guid 9.37].
- 6.16** Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.16.1** to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 6.16.2** to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 6.16.3** to refuse to specify a person in the licence as the premises supervisor;
 - 6.16.4** to reject the application [Act s.18].

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

Contact Officer :
Ellie Green on 020 8379 8543

Annex 01



Akdeniz Supermarket (Enfield) Ltd, 463-465 Hertford Road, ENFIELD, EN3 5UT

LONDON BOROUGH OF ENFIELD
CIVIC CENTRE, SILVER STREET,
ENFIELD, EN1 3XE
www.enfield.gov.uk



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Dwg.No. 6800AP
Scale 1:1250
Date 20 Jan.2016

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

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201300974**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Akdeniz Supermarket (Enfield) Ltd**

Telephone number : **Not provided**

Address : **463-465 Hertford Road ENFIELD EN3 5UT**

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

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

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

Sunday :	08:00 - 23:00
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 23:00
Saturday :	08:00 - 23:00

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

Sunday :	08:00 - 23:00
Monday :	08:00 - 23:00
Tuesday :	08:00 - 23:00
Wednesday :	08:00 - 23:00
Thursday :	08:00 - 23:00
Friday :	08:00 - 23:00
Saturday :	08:00 - 23:00

Part 2

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

Name :	Mr Musa Aktas
Telephone number :	Not provided
e-mail :	Not provided
Address :	25 Cheshire Close, Walthamstow, London, E17 4LZ

Registered number of holder (where applicable) :

Not applicable

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

Name :	Not applicable
Telephone number :	
Address :	

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

Name :	Mr Musa Aktas
Telephone number :	Not provided
e-mail :	Not provided
Address :	25 Cheshire Close, Walthamstow, London, E17 4LZ

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 :	Z01N17139F/1
Issuing Authority :	London Borough of Waltham Forest

Premises Licence LN/201300974 was first granted on 14 February 2014.

Signed :



Date : 8th December 2015

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



Annex 1 - Mandatory conditions

The Mandatory Conditions are attached and form part of the Operating Schedule of your licence/certificate. You must ensure that the operation of the licensed premises complies with the attached Mandatory Conditions as well as the Conditions in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

Annex 2 - Conditions consistent with the Operating Schedule

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

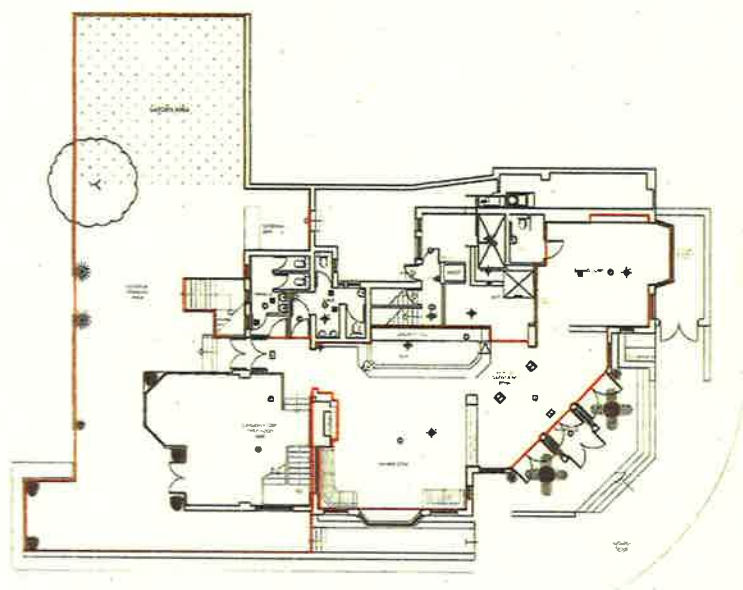
premises is in a 'Drinking Control Area' and that alcohol should not be should not be taken off the outside seating area and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

7. 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.
8. All training relating to the sale of alcohol and times and conditions of the licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
9. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
10. There shall be no deliveries made to or from the premises between the hours of 21:00 and 07:00.
11. All refuse shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse outside between 21:00 and 07:00.
12. The premises licence holder shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
13. Children under the age of 14 years shall not be admitted to the premises after 21:00 unless they are accompanied by an adult.
14. Should the premises remain open for non-licensable activities, customers shall not have access to alcohol after the licensed hours. This shall be prevented by the use of shutters / locked fridges.

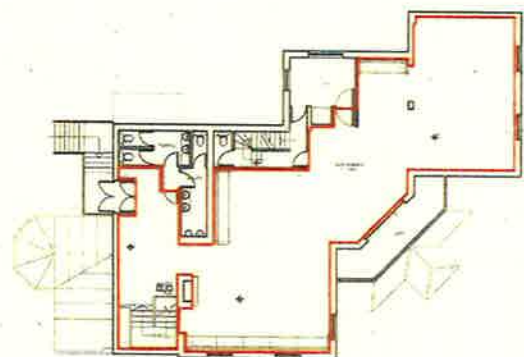
Annex 3 - Conditions attached after a hearing by the Licensing Authority

Not applicable

Annex 4 – Plans



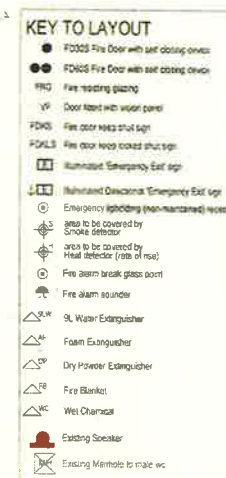
PROPOSED GROUND FLOOR LICENSING PLAN SCALE 1:100
AREA = 346M²
3724FT²



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



LOCATION PLAN SCALE 1:1250



Annex 1 – Mandatory Conditions

**Mandatory conditions where the licence authorises the sale of alcohol
(Note: Conditions 4, 5, and 7 relate to on-sales only)**

These Mandatory Conditions form part of the Operating Schedule of your licence. You must ensure that the operation of the licensed premises complies with these Mandatory Conditions, as well as the Conditions stated in Annex 2 and Annex 3 (if applicable). Failure to do this can lead to prosecution or review of the licence.

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

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

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that -

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

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

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

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

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

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

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

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

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

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

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

25064125

£190.00

4533208859 AP

Application to vary a premises licence under the Licensing Act 2003**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I/We **Mr Musa Aktas** (Interim Licence Holder)

(Insert name(s) of applicant)

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

Premises licence number
 LN/201300974

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description
 Akdeniz Supermarket (Enfield Ltd)
 463-465 Hertford Road
 Enfield

Post town London**Post code** EN3 5UT**Telephone number at premises (if any)****Non-domestic rateable value of premises** £50,500**Part 2 – Applicant details****Daytime contact telephone number****E-mail address (optional)****Current postal address if different from premises address**

25 Cheshire Close

Post Town London**Postcode** E17 4LZ

email
 LONDON BOROUGH OF ENFIELD
 RECEIVED

- 8 DEC 2015

 ENVIRONMENT &
 STREET SCENE

Part 3 - Variation

Please tick yes

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

☒

If not do you want the variation to take effect from

Day		Month		Year	

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
 Extension of hours for the supply of Alcohol off premise

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

Part 4 Operating Schedule

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

Provision of regulated entertainment**Please tick yes**

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

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I) ☐
- j) dancing (if ticking yes, fill in box J) ☐
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K) ☐

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

In all cases complete boxes N, O and P

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption (Please tick box) (please read guidance note 7)	On the premises	<input type="checkbox"/>
				Off the premises	<input checked="" type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4) NONE		
Mon	08:00	02:00			
Tue	08:00	02:00			
Wed	08:00	02:00			
Thur	08:00	02:00	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5) NONE		
Fri	08:00	02:00			
Sat	08:00	02:00			
Sun	08:00	02:00			

N

<p>Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8)</p> <p>NONE</p>
--

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4) NONE
Day	Start	Finish	Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5) NONE
Mon	00:00	00:00	
Tue	00:00	00:00	
Wed	00:00	00:00	
Thur	00:00	00:00	
Fri	00:00	00:00	
Sat	00:00	00:00	
Sun	00:00	00:00	

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

NONE

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

☐
☐

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Premises Licence has not been issued yet. There is an application for transfer and appointment of new DPS.

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

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

We believe the current conditions are sufficient enough to promote the four licensing objectives, but are willing to consider any suggestions by the relevant authorities

b) The prevention of crime and disorder

see above

c) Public safety

see above

d) The prevention of public nuisance

see above

e) The protection of children from harm

see above


Please tick yes

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

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

Part 5 – Signatures (please read guidance note 10)

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

Signature	
Date	3 rd December 2015
Capacity	Licensing agent

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

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)			
Narts Licensing team 53 Stoke Newington High Street			
Post town	London	Post code	N16 8EL
Telephone number (if any)	020 3745 6500		
If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing@narts.org.uk			

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act 2003.

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example state type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick on, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. If you wish people to be able to do both please tick both.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

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).

Background History:

Name and address of premises: Akdeniz Supermarket (Enfield) Ltd
463-465 Hertford Road
Enfield
EN3 5UT

Type of Application: Variation - Premises Licence

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

Background History:

This is a variation application to provide the following activities:

Activity	Current Hours	Applied for Hours
Open	08:00 – 23:00 everyday	08:00 – 02:00 everyday
Alcohol (off sales)	08:00 – 23:00 everyday	08:00 – 02:00 everyday

History:

The current licence for this premises was granted in February 2014. The licence was transferred to the current licence holder earlier this month (December 2015). The DPS was also varied at that time.

26/10/15 – The Licensing Enforcement Team received a complaint from a local resident alleging that the premises has deliveries 2-3 times a week at 03:30 - 04:30 and waste collections at 05:30 - 05:45 and that they are affected by the noise from these. This is an alleged breach of the following conditions which are attached to the current licence:

Condition 10. There shall be no deliveries made to or from the premises between the hours of 21:00 and 07:00.

Condition 11. All refuse shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of refuse outside between 21:00 and 07:00.

Breaching conditions of a Premises Licence is a criminal offence under the Licensing Act 2003 and each offence could result in a maximum fine of £20,000 and or six months imprisonment. Substantiated complaints can also lead to a review of the premises licence.

27/10/15 – An officer contacted the premises and advised them of the complaint. The DPS confirmed that deliveries were taking place but stated that they were fruit and vegetables not alcohol so he didn't think the conditions applied.

28/10/15 - Phone call from complainant who said they were woken at 04:10 in the morning by a delivery of water.

13/11/15 – 22.05 - Out of Hours Licensing Enforcement Officers visited the premises but the premises licence holder was not available. They spoke to a member of staff on the checkout who called a person called Mr Musa. The officers advised him that a further complaint had been received regarding deliveries/collections outside permitted hours. They also advised him that a member of staff at the premises was using a band saw without the guard in place and how dangerous this was.

17/11/15 – An officer received a phone call from a licensing agent on behalf of the premises. He advised that he had spoken to his client and the premises is still owned by the same people but that they have new managers. They have arranged for the supply of flour to take place after 9am and waste collection to be after 9am. He went on to say that milk and fruit and vegetables are delivered between 01:00 - 03:00 by car. When asked who was delivering milk in a car he said it was actually probably a van but that they were parking at the front of the premises not in the residential road to the side of the premises. He went on to say that other nearby premises have deliveries in much bigger vehicles and they are prevented from doing this. The officer advised him that this had been an issue years ago with this particular premises and they had managed to alter all of their delivery times to comply with the condition and that they had checked with the council's legal team and had been advised that the conditions apply whether or not they are delivering alcohol. The agent suggested submitting a licence variation to remove the conditions but was advised that the current breaching of them was leading to noise complaints so there would be objections.

18/11/15 – The officer phoned the complainant who said that the deliveries and collections that were causing the noise issues had stopped and they were happy for the complaint to be closed. The officer advised the agent of this and they advised that they were going to submit a transfer, vary DPS application and a variation to alter the conditions slightly.

The transfer and vary DPS applications were submitted but this variation application is to increase the licensed hours not to amend the conditions.

Location:

This premises is located on the corner of the Hertford Road and a residential road. There are residential properties adjoining the premises on one side. There are also residential premises opposite the premises and in nearby side streets.

Cumulative Impact Policy (CIP):

This premises is located in a Cumulative Impact Policy Area.

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

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

The hours applied for in this application exceed those specified in the CIP.

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

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

This application is for a significant increase in the licensed hours compared to the current licence. Ambient background noise levels are reduced during the early hours of the morning. If the premises were permitting to sell alcohol until 02:00 it could lead to increased noise and disturbance to the surrounding area and could be detrimental to the residential amenities and quality of life for residents.

In summary I wish to make representation on the following:

- **Prevention of Public Nuisance**

Given the close proximity to local residents, the fact that this premises is located within a CIP area and they have previously failed to comply with the conditions attached to their current licence leading to noise complaints I object to the hours applied for and instead recommend alternative hours in line with CIP:

Activity	Current Hours	Applied for Hours	Recommended Hours
Open	08:00 – 23:00 everyday	08:00 – 02:00 everyday	08:00 – 00:00 everyday
Alcohol (off sales)	08:00 – 23:00 everyday	08:00 – 02:00 everyday	08:00 – 00:00 everyday

I have considered the conditions attached to the current licence and have no amendments to suggest at this time.

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

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 29/12/2015

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LICENSING SUB-COMMITTEE - 2.12.2015

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 2 DECEMBER 2015****COUNCILLORS****PRESENT** (Chair) Chris Bond, Vicki Pite and Jim Steven**ABSENT****OFFICERS:** Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Licensing Officer), Catriona McFarlane (Legal Services Representative), Jane Creer (Democratic Services)**Also Attending:** Mr Miah, Barrister, Great James Street Chambers (on behalf of Tandoori Nights)
Mr Shahzad Karim (Director of Pennycraft Properties Ltd, Premises Licence Holder)
Mr Mohammed Rasid (Designated Premises Supervisor, Tandoori Nights) and Mrs Rasid**279****WELCOME AND APOLOGIES FOR ABSENCE**

Councillor Bond (Chair) welcomed all those present and explained the order of the meeting.

280**DECLARATION OF INTERESTS**

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

281**TANDOORI NIGHTS, 27 STATION PARADE, COCKFOSTERS ROAD, BARNET, EN4 0DW (REPORT NO. 129)**

RECEIVED the application made by the Licensing Authority for a review of the Premises Licence held by Pennycraft Properties Ltd at the premises known as and situated at Tandoori Nights, 27 Station Parade, Cockfosters Road, EN4 0DW.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:

LICENSING SUB-COMMITTEE - 2.12.2015

- a. The review application was brought by the Licensing Authority and supported by the Metropolitan Police Service, based on the prevention of crime and disorder licensing objective.
 - b. There were reported immigration issues relating to staff at the premises since 2014.
 - c. The Licensing Authority still considered it appropriate that the licence be revoked in its entirety.
 - d. Mr Shahzad Karim (Director of Pennycraft Properties Ltd, Premises Licence Holder) and Mr Mohammed Rasid (Designated Premises Supervisor (DPS)) and Mrs Rasid were present at the hearing and were represented by Mr Miah, Barrister, Great James Street Chambers.
2. The statement of Ms Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- a. The Licensing Authority was seeking a review on the grounds that staff were employed who were not legally entitled to work in the UK, and this was contrary to the licensing objective of the prevention of crime and disorder.
 - b. The Licensing Authority was seeking a revocation of the premises licence in its entirety.
 - c. There was a significant history of concerns relating to this premises dating back to 2008.
 - d. In 2014 there were five arrests of workers. Details were provided in the witness statement of Abigail Gillett, Immigration Officer (Appendix 6).
 - e. On 17 October 2014 Licensing Enforcement Officers made an intelligence gathering visit with Immigration Officers and when the officers entered the premises four members of staff from the kitchen ran out of the back door of the premises.
 - f. Subsequently, a letter (Appendix 1) was sent to the premises licence holder recommending they submit a minor variation application to strengthen the licence conditions. This gave the opportunity for the licence holder to put processes in place rather than face a review of the licence.
 - g. The letter included a warning that should further similar offences be committed at the premises, the Licensing Authority may take action to have the licence permanently revoked.
 - h. A minor variation was submitted in January 2015 and the details in the letter were not challenged.
 - i. At a visit by Immigration Officers in June 2015 another worker was arrested for working in breach of his Temporary Release conditions. A statement of Kate Gardner, Assistant Immigration Officer, was set out in Appendix 3. This arrest resulted in the issue of a £15,000 fine. The company challenged this decision by objecting but the original penalty was upheld in September 2015.
 - j. In October 2015 the Licensing Authority was informed that the date to lodge an appeal had passed. They had since been advised that the fine was the subject of a challenge, but it was unclear whether the challenge was to the level of the fine or the issuing of it.

LICENSING SUB-COMMITTEE - 2.12.2015

- k. The Licensing Sub-Committee were not being asked to consider any issues that were matters for the court, but to make a decision whether the actions of the premises licence holder undermined the licensing objective of prevention of crime and disorder.
 - l. One of the conditions added to the licence was to be able to produce to a Police Officer, local authority officer or Home Office Immigration Officer, proof of full compliance with the Home Office document 'An employer's guide to right to work checks'. This proof to be produced within 24 hours. If the licence holder had been complying with all conditions he would surely have been able to provide proof and the penalty would never have been served. Either there had been a breach of condition, or he knew that the employee was not allowed to work and employed them anyway.
 - m. How to check validity of documents in respect of right to work was set out in the Home Office guidance, with the employers' responsibilities and liabilities for penalties made clear.
 - n. Illegal working had harmful social and economic effects on the UK and exploited migrant workers.
 - o. Despite previous warnings, illegal workers had been discovered at the premises. The Licensing Authority had a lack of confidence in the premises licence holder.
 - p. The Secretary of State advised that employing staff who were not legally entitled to work in the UK should be treated particularly seriously, and that where a licensing authority determined that the crime prevention objective was being undermined, revocation of the licence - even in the first instance - should be seriously considered.
 - q. The prevention of crime and disorder licensing objective had been repeatedly undermined over the past six years.
 - r. The Licensing Authority believed that the only appropriate action now would be to revoke the licence in its entirety.
3. Charlotte Palmer responded to questions including the following:
- a. In response to Mr Miah's queries, she confirmed that there was reference to only one fine. She was also not clear whether the challenge was to the level of the fine or the issuing of it. The only penalty she was aware of was the £15,000 fine, but the statements from the Immigration Service showed that they had serious concerns and had kept returning, and that people had been taken into custody.
 - b. In response to Mr Miah's queries in respect of making a decision while the challenge to the fine was undetermined, Charlotte Palmer maintained that the licensing condition had been breached in that case, as documentary proof had not been provided within 24 hours. If documents had been available, surely the Immigration Service would not have needed to pursue investigations. So there had been either a licensing or an immigration offence.
 - c. In response to further queries, Charlotte Palmer confirmed that she had been told that a challenge had not been received in time, but was aware there were sometimes delays in court, but the court had not provided information to her in advance of this hearing. Mr Miah clarified that the

LICENSING SUB-COMMITTEE - 2.12.2015

challenge had now been listed by the court. The Legal Services representative further advised that the Licensing Sub-Committee may only consider licensing law.

d. Mr Miah asked about the warning letter sent by the Licensing Authority. Charlotte Palmer advised that the licence holder was not required to sign anything, but was asked to submit a minor variation (which they did) to strengthen the conditions and prevent future problems, if the conditions were complied with. The letter did not specifically recommend the seeking of legal advice though this was an option for licence holders at any time. It was not a PACE interview letter. The letter warned of the seriousness of the offence and the potential for the licence to be revoked. Conditions were recommended to try to prevent further issues arising. It was a first chance given to the licence holder to add recommended conditions - this was explained fully in the letter - so they should not find themselves in a similar position again. It was a voluntary decision to apply for the minor variation. If an application was not submitted, the Licensing Authority would have pursued a review of the licence, and a Licensing Sub-Committee may have decided to revoke the licence even in the first instance.

e. Mr Miah queried that it was unreasonable for an employer to be expected to be an expert on rights to work in the UK. Charlotte Palmer clarified that an employer was not expected to be an expert but must undertake appropriate checks themselves. The statement on page 29 referred to a worker's right to work being checked by an agency as a third party, and that was not allowed. If it was now being stated that documents had been checked but it was not realised that the worker was not able to work in the UK then that was a change of story from the licence holder.

f. Mr Miah stated that he had evidence that an appeal was in process and queried whether it was reasonable to hold this hearing without waiting for the outcome from the challenge dealt with in court. Charlotte Palmer clarified that officers were told there was no appeal at the time this review application was submitted. The Legal Services representative advised that this review was brought by the Licensing Authority, legal advice had been sought and it was appropriate to proceed under licensing law. She clarified that the Licensing Authority was represented by Ellie Green and that Charlotte Palmer was representing Trading Standards.

4. The statement of PC Martyn Fisher that the Metropolitan Police Service supported the Licensing Authority's review application and that he had no extra information to add.
5. PC Fisher responded to questions as follows:
 - a. In response to Mr Miah's query he confirmed that the whole representation on pages 71-2 was from the Metropolitan Police Service. In respect of the arrests for immigration offences referred to, it was clarified that those were by the Immigration Service who then pursued their own prosecution, rather than the Police. PC Fisher was not party to the names of all the people arrested.

LICENSING SUB-COMMITTEE - 2.12.2015

- b. Mr Miah questioned evidence for the assertion within the representation that the licensee had continued to employ staff who were not entitled to work in this country. PC Fisher responded that the chain of events suggested that the licensee had knowingly employed workers who were not entitled to work in the UK.
- c. In response to Mr Miah's further queries, PC Fisher confirmed that there had been no other enforcement by the Police, but noted that there had been other actions by the Immigration Service. Details were given in Charlotte Palmer's evidence. The only sanction he was aware of was the fine previously referred to, and he did not know more about the case disposal.
6. The statement of Mr Miah, Barrister, on behalf of the premises licence holder, including the following points:
- a. He had a further brief witness statement, but as it had not been provided five days in advance of the hearing it had not been included in the agenda pack. Mr Rasid would like the information taken into account. The Legal Services representative clarified that the legislation was clear that evidence should be provided five working days in advance of the hearing, and the presumption was that late evidence would not be accepted. If the panel were minded to accept late evidence, the reason should be minuted. The Chair advised that the panel were not minded to accept the late evidence.
- b. He introduced Mr Rasid who confirmed he was the premises licence holder and confirmed that he was still challenging the fine and that a court hearing was set for 10 February 2016. He was challenging the fine in its entirety and the way the penalty was imposed.
- c. In response to questions from Mr Miah, Mr Rasid stated that in 2013 the Immigration Service had imposed a fine of £5,000, which was challenged and a subsequent appeal was granted. The Immigration Authority had to pay his legal expenses and the case was dismissed and no immigration offences were found. He was informed that no action would be taken and as far as he was concerned the case was closed.
- d. Mr Rasid confirmed that he had been running the business since 1988 with no problems. His background was as an underwriter in the insurance industry, including working in Bahrain.
7. Mr Miah and Mr Rasid responded to questions as follows:
- a. Charlotte Palmer asked why four members of staff had run out when officers made their visit in October 2014. It was responded that they were not workers but students from the upstairs flat who came down the stairs and just walked away, and that they were not chased.
- b. Charlotte Palmer asked whether the appeal against the fine was submitted prior to the receipt of the review application from the Licensing Authority, and that it may have been submitted to stall this process. Mr Rasid advised that he went to his solicitors and submitted the challenge immediately. Charlotte Palmer advised that the review was delivered on 3/10/15. Mr Rasid's documents showed the court's acknowledgement of

LICENSING SUB-COMMITTEE - 2.12.2015

receipt of the objection and allocation of a court number was dated 6/10/15.

c. Charlotte Palmer asked for more details about the actual grounds of the appeal. Mr Rasid advised that the restaurant employed Mr Islam through an employment agency on 2/6/15 and his passport was checked and appeared to be genuine. Mr Islam was offered a job on a trial basis for seven days: if he was suitable he would be given a contract of employment. In the meantime it was found that Mr Islam suffered from a skin disease: this was considered a hazard to health and safety and so he was told he would have to leave at the end of the week. On 5/6/15 Immigration officers came and found Mr Islam's passport was not genuine and he had no right to work in the UK. Mr Islam was taken away and released later. It was not reasonably apparent that the passport was not genuine and no blame was laid on the restaurant: it was not possible for them to assess if the passport was genuine as they were not experts.

d. In response to further queries regarding who checked the documents, it was clarified that they were not checked just by the employment agency but by the restaurant management too. The information in the statement of Kate Gardner on page 29 of the agenda was correct in that documentation was checked by the job agency, but that the restaurant took a photo and kept a separate copy of documents in their files, and when they checked the passport they considered it was genuine and offered the work trial.

e. Members expressed ongoing concerns regarding this case and why the Immigration Service proceeded against the restaurant. Mr Karim stated that he was the person interviewed by Kate Gardner in the statement. Photocopied documents were not shown to Immigration officers at the time as they were in the file. They found out the truth about Mr Islam when a finger scan showed that his identity was different from the name told to the restaurant: he had lied. Immigration officers said it was not the restaurant's problem as it was not for them to be able to verify a passport. Mr Miah acknowledged the concerns and that the merits of this was subject to appeal. He had proof from the file that instructions were given to solicitors on 30/9/15, which was before receipt of the review letter from the Licensing Authority. The appeal process had begun before this review and it was unfair to suggest that the review was the trigger. Information given today was not provided earlier as officers did not raise it.

f. Members remained concerned that proof of compliance with licensing condition 6 in respect of provision of documents within 24 hours had not been met. It was advised that the premises had complied with everything they had been asked to provide by Immigration officers. Charlotte Palmer clarified that the premises had provided what was required under immigration law, but not what was required under licensing law.

8. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. Having heard all of the representations, the sub-committee must take steps as it considered appropriate for the promotion of the licensing objectives.

LICENSING SUB-COMMITTEE - 2.12.2015

- b. For assistance, she drew attention to relevant guidance issued by the Secretary of State, and the Council's licensing policy, as highlighted on page 3 of the agenda pack.
9. The concluding statement of Ms Charlotte Palmer, Licensing Enforcement Officer, that this premises had been found to be employing staff who were not legally permitted to work in the UK on more than one occasion. The Licensing Authority lacked confidence in the management and recommended that the premises licence be revoked. In circumstances such as these it was expected that revocation of the licence – even in the first instance – should be seriously considered.
10. PC Martyn Fisher on behalf of the Metropolitan Police Service supported the Licensing Authority's recommendation.
11. The concluding statement of Mr Miah, Barrister, on behalf of the premises licence holder, including the following points:
- a. The premises had not been found to be employing illegal staff on any occasion.
 - b. Solicitors had been instructed regarding the appeal against the fine prior to the receipt of this review, which should remove any suspicion. The penalty was under challenge at the county court. The sub-committee did not have the power to judge criminality.
 - c. At the moment there was nothing to say there had been any sort of non-compliance. There had been no Home Office action apart from that under challenge. In terms of acting reasonably, the licence holder stated he was not a forensic expert and had satisfied himself by checking, and had kept a copy of documents.
 - d. The professional background of the licence holder should also be taken into account, and that he had been running this business for 25 years. It may be the case that people were arrested on his premises but that did not suggest he had not done what he was required to do, and his livelihood and goodwill should not be taken away.
 - e. It was now known that the fine was subject to a challenge (and there was nothing to suggest that the stages had not been followed in a timely fashion), and this review should be stayed while that challenge was decided.
 - f. There was nothing to suggest that the Immigration Service did not receive proof within 24 hours and this had not been questioned at this hearing.
 - g. He asked that the reasonableness of the actions of the premises licence holder, family and management be borne in mind, and maybe if the county court decided against them, then it would be open to the Licensing Authority to proceed.

RESOLVED that

LICENSING SUB-COMMITTEE - 2.12.2015

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

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

2. The Chairman made the following statement:

“We have read all the information provided and heard the evidence presented today. We have been careful to consider only the licensing issues in this case and not to direct ourselves to any other issues.

We have considered whether we find that the licence holder has failed to promote the licensing objective of the prevention of crime and disorder. We find on balance that we are persuaded by the evidence of the Trading Standards and the Metropolitan Police Service that the licence holder has failed to be diligent in checking the employment status of his staff and complying with the conditions added to his licence voluntarily by minor variation on 26 January 2015.

We were concerned that the licence holder had failed to address the licensing issues and not attempted in any way to show how he was promoting the licensing objectives. We are also mindful of Government Guidance that even in the first instance revocation should be seriously considered.

We are aware that it is not necessary to show a crime has been committed to be satisfied that the prevention of crime and disorder objective has been undermined. On this basis we are minded to take the steps as recommended by Trading Standards and the Metropolitan Police and revoke the licence.”

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

LICENSING SUB-COMMITTEE - 16.12.2015

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

COUNCILLORS

PRESENT (Chair) Derek Levy, George Savva MBE and Eric Jukes

ABSENT Chris Bond

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

Also Attending: Mr Richard Wormald, Barrister, 3 Raymond Buildings (on behalf of Metropolitan Police Service)
Mr Agron Xhauri (Applicant)
Mr Alan Aylott, Solicitor, Dadds LLP (on behalf of applicant)

318

WELCOME AND APOLOGIES FOR ABSENCE

NOTED that Councillor Bond was unable to attend the meeting and that as a reserve member Councillor Derek Levy as Chair welcomed all those present and explained the order of the meeting.

319

DECLARATION OF INTERESTS

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

320

ROYAL VENUE, 1 JUTE LANE, ENFIELD, EN3 7PJ (REPORT NO. 147)

RECEIVED the application made by Mr Agron Xhauri for a new Premises Licence at the premises known as and situated at Royal Venue, 1 Jute Lane, Enfield, EN3 7PJ.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including the following points:
 - a. She advised that there were now three different applications to be determined for the same venue, Royal Venue, 1 Jute Lane, Enfield, EN3 7PJ, which was previously known as Club Zeros.
 - b. The application for a new premises licence was set out in Report No. 147 in the original agenda. This application had been submitted on 18

LICENSING SUB-COMMITTEE - 16.12.2015

October 2015 and was subject to representations from the Police and the Licensing Authority. The Licensing Authority had objected to the hours sought and had proposed reduced hours and additional conditions. The applicant had agreed to the Licensing Authority's proposed conditions in full and to the proposed hours in part. The Police objected to the new premises licence application in its entirety, but if the sub-committee were minded to grant a licence had requested a number of conditions as set out in Annex 06 of the agenda. The applicant had not indicated if he was in agreement with the proposed conditions.

c. On the previous afternoon, 15 December 2015, the solicitor for the applicant had sent a list of revised conditions. It was understood that the Police had examined these conditions and were not in agreement, and noted that these conditions were already in the operating schedule, or that the conditions proposed by the Police were stronger.

d. The second application was for a Temporary Event Notice (TEN) and was set out in Report No. 149 in the supplementary agenda. This notice was for the provision of late night refreshment, supply of alcohol and regulated entertainment in respect of a proposed event at the premises from 20:00 on Thursday 24 December 2015 to 03:30 on Friday 25 December 2015.

e. A third application was received late yesterday for TEN in respect of a proposed event on New Year's Eve, from 00:00 to 03:30 on 1 January 2016.

f. Objections had been received to both of those TENs from the Police and from the Licensing Authority.

g. Ellie Green advised that the applicant was already aware of the objections to the new premises licence application in November, yet these TENs were submitted in December.

h. There was a significant licensing history at this premises, as set out on page 1 of the agenda.

2. The statement of Mr Richard Wormald of 3 Raymond Buildings, Barrister on behalf of the Metropolitan Police Service, including the following points:
 - a. The Police representations were well set out in the agenda papers.
 - b. This was a bad venue. Historically it had suffered a number of problems. The location was problematic: on one side was warehousing, on the other side of the tracks were residential streets. This had led to complaints in the past relating to disorder and noise from people leaving late at night. The small yard at the back of the premises it was said could be used for car parking, but could not be utilised currently, being full of pallets. The location was problematic for drop off by taxis.
 - c. The previous operators allowed Club Zeros to attract a poor reputation. There had been problems of violence at the venue and a culture of gang members attending.
 - d. The premises needed a "new broom" to make a fresh start. The previous premises licence was recently revoked because of stabbings and disorder. No charges had yet been brought in relation to the most recent incident as no-one wanted to be a witness.

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- e. The Police were happy to work with a bone fide operator who wanted to change the venue. They did not accept that Mr Xhauri was that person. There had been meetings between Mr Xhauri and the Police as noted in the agenda pack. The Police were not impressed by Mr Xhauri's candour or willingness to work with them.
 - f. There was no evidence of positive plans with regard to operating the premises as a wedding venue.
 - g. It was known that Mr Xhauri ran night clubs elsewhere.
 - h. The two TENs until 03:30 were said to be family events but officers began to suspect that was not the case and that the intention may be to run the premises as a night club.
 - i. Mr Xhauri ran other premises in this borough. One premises, Tirana 2, was a night club and had experienced problems with repeated breaches of licensing obligations, including keeping of CCTV footage, keeping of records, and in respect of security staff. The breaches had been discovered over a short period of time – three times in three months. Police were considering a closure order.
 - j. The applicant had not demonstrated to Police any frankness or candour.
 - k. It had been suggested by the applicant today that hours could be lopped back to 00:00 / 00:30 on some nights. Police would still object, as they believed arrangements should be agreed properly and convincingly in liaison with the Police and the Licensing Authority and not on the hoof.
3. The statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- a. This premises had a long history of violence, including gun and knife crime, and there had been a number of complaints.
 - b. The premises had had many different names and different operators, none of whom had run the venue successfully or safely.
 - c. There had been licence reviews in 2010, 2013 and most recently in August 2015. The current applicant attended the recent review hearing, so was aware of issues and concerns prior to making the application.
 - d. The venue had been a night club since 2008. In discussions, the applicant had indicated he wished the premises to become a wedding suite, but this was not evident from this application, and the hours sought seemed more appropriate for a night club use.
 - e. The applicant had agreed to Monday to Thursday hours and all conditions suggested by the Local Authority; but not to weekend hours.
 - f. Given the history of the premises, it was appropriate in the interests of the local community to limit the licensing hours.
 - g. In the past there had been noise complaints to the Council from local residents in respect to both music and dispersal noise.
 - h. There was limited parking near the venue, leading to customers having to park in residential streets. This was a large venue. It was not appropriate for residents to put up with noise disturbance which had a detrimental effect on their quality of life.
 - i. When the premises was previously run as a night club the operators had a search policy, including ID scans, etc, but these had not been offered by

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this applicant, and even with those precautions in place the problems had continued. The applicant was seeking the same hours, but with fewer controls.

j. The Police had found breaches at the applicant's other business. This was a much larger venue with at least 300 capacity; which led to officers having grave concerns.

k. This premises had been a repeated source of crime and disorder and noise, so it was not seen as an appropriate site for late night venue.

l. The Environmental Health Service also objected to the TENs as they would have a negative impact on local residents, and they could attract gang activity.

4. Police and Licensing Authority representatives responded to questions as follows:
 - a. The Chair highlighted the premises' blighted history and queried whether that alone influenced the officers' recommendation. Police stated that a premises could attract a reputation and once that had been acquired, a new broom was needed. If a different applicant to Mr Xhauri had come forward, the Police would have taken a different view, and the premises' history had aggravated their concern.
 - b. Mr Aylott on behalf of the applicant questioned the Police statement that Tirana 2 was a night club and what evidence he had for that. Mr Wormald apologised and corrected that Tirana 2 was a restaurant, which had been failing licensing checks.
 - c. In response to Mr Aylott's further queries whether any fixed penalty notices had been issued, or prosecutions made in respect of Tirana 2, it was confirmed there had been none from the Licensing Authority. PC Marsh advised that during a licensing inspection, two forms were issued. The breaches of the licence led to a notice under the Criminal Justice and Police Act 2001 and at the same time a notice of intended prosecution under the Licensing Act 2003. The usual process was that if the problem was fixed in seven days, action would be stopped in respect of the closure order and the prosecution stopped. It was confirmed that the notices were still valid.
5. The statement of Mr Alan Aylott, solicitor, Dadds LLP, on behalf of the applicant, including the following points:
 - a. The Police had said that this had been a bad venue and he would agree. If a new licence was granted it was agreed there should be a 'new broom': Mr Xhauri was just that. He did not run a night club, but does run a bar restaurant in the borough. This application represented a positive step forward.
 - b. In respect of Tirana 2 and any licensed venue, promotion of the licensing objectives was key. He would question whether breaches of a licence necessarily undermined the licensing objectives; for example if a sign was not in place. Not all the alleged breaches undermined the licensing objectives.

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- c. The Police were basing their views on these allegations at another premises. There were safeguards in the law and the Police had issued a notice and the issues were being dealt with in an appropriate way.
- d. Mr Xhauri had been in the licensing trade for eight years. He had operated Tirana 2 since 2012.
- e. Since the notice, licensing training had been delivered on 13 December 2015 to Mr Xhauri and two of his senior bar staff at Tirana 2, and he did have a witness statement to that effect from the retired Police officer who provided that training. The Chair noted that it would have been helpful if all the written evidence had been provided in good time to be admissible and included within the agenda pack.
- f. This was a brand new and a valid application, and each case must be determined on its own merits. This was an opportunity for Mr Xhauri to explain his business plan. This venue was going to be a banqueting suite and be used for pre-booked functions only.
- g. Despite the statements of the Police, Mr Xhauri was not intending to operate the venue as a night club. The hours sought were to match those previously in place at the venue. It was a good idea from a commercial point of view to apply for what had been permitted previously.
- h. Mr Xhauri had agreed to claw back the opening hours to 00:30 Monday to Thursday, and he had today given permission to agree to those same opening hours for Sunday. This was formally noted by the Chair.
- i. Friday and Saturday were the usual times that people liked to organise celebratory functions, and some people liked their events to last late into the night. Mr Xhauri wanted to run an effective business and had a business plan.
- j. Mr Xhauri may well not have the venue ready in time for a Christmas Eve event and the TEN in respect of that date may have to be withdrawn.
- k. It may be that Members considered that Friday and Saturday would be suitable for extended hours. The Police and the Licensing Authority suggested a closing time of 00:30. The applicant was proposing 03:30. Members may consider that some time in between was more appropriate, but the applicant would like as long as possible from a commercial point of view.
- l. A list of proposed conditions had been sent to the Licensing Authority yesterday. The Chair clarified that the sub-committee would not accept documentation which was submitted less than five days before the hearing; that this information could have been provided before; and that it was not helpful that it was raised at this stage. He noted that a timely, complete submission would have served to support the applicant's case. Mr Aylott explained that he had only recently received instructions from his client.
- m. With reference to the venue's previously very strict conditions over entry as also raised by the Police, these would not be needed because the premises was not going to be a night club. A condition could be added to the licence that there would be no payment at the door.

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- n. It was not this applicant's premises that had any violent incidents. The previous venture at the premises was night club – that was not Mr Xhauri's.
 - o. The main thrust of the Police's argument was that the premises had been a night club and that if the hours sought were granted it would be able to revert back. However, he maintained that conditions could be added to the licence so that the premises could not be a night club, and those conditions would be enforceable.
 - p. As a further safeguard, there were measures available whereby a premises could be closed immediately.
 - q. He understood that the applicant had met with the Licensing Authority and the Police and that officers had visited the premises. He had been there this morning and considered it had potential to be a fabulous venue.
 - r. The only issue around hours related to Friday and Saturday. Mr Xhauri, who was an experienced licensee, anticipated running the venue for pre-booked functions only, and these would be on Friday and Saturday in the main. That was why later hours were sought on those days; to support the commercial venture.
 - s. Many measures would be put in place, including a CCTV system which stored 40 days' recording. A risk assessment would be carried out for every event booked at the premises, and the applicant was happy to use a Police form for that.
 - t. It was not the case that the venue would become a night club: he wanted to reassure the Police and the sub-committee of that.
 - u. Mr Xhauri had not treated the application lightly. He had made commercial decisions. He was aware of previous issues, which was why he had come along to the previous review. He did not want to run a night club.
 - v. It was highlighted that no other responsible authorities and that no residents had objected to the application. He considered that they would prefer a more sophisticated venue.
6. Mr Aylott and the applicant responded to questions as follows:
- a. The Chair asked if the two TEN events were going to be pre-booked. It was advised that they had both been left to the last minute and that they would only be advertised at the last minute, because they were dependent on the decisions today, and because the place was being refurbished. In response to further queries, Mr Xhauri advised that these were dinner and dance events he held every year when he met with 200 people from his community. However, the premises was not going to be ready for Christmas.
 - b. Mr Xhauri advised that he formally wished to withdraw the TEN relating to 24/25 December 2015.
 - c. Mr Xhauri advised that he would be able to provide proof of numbers and names for the New Year's Eve event if required. The Chair also highlighted that if the full application was not granted then the TEN would be unable to go ahead as the venue would not be a licensed premises.

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d. In response to Councillor Savva's queries regarding when the premises would be open, it was confirmed that if there was not a booked event, then the venue would not be open, even on Friday and Saturday.

e. The Chair noted that Mr Xhauri's intention to use the premises as a wedding suite had been indicated in September 2015 and asked if an application for change of planning use had yet been submitted. It was advised that no planning application for change of use had been submitted, and that the planning approval granted on 30 April 2010, reproduced in Appendix 05, was for "change of use from snooker club (D2) to a night club / banqueting suite (Sui Generis)". Mr Aylott confirmed he had not been instructed to look into planning issues.

f. The Chair noted that the plan of the building, on page 23 of the agenda pack, formed part of the application and questioned its resemblance to the layout of the previous venue. In particular he queried the requirement for a VIP lounge in respect of the use that was sought. It was advised that the chairs and tables still needed to be positioned and reflected in the plan and it may be that a minor variation would need to be submitted in due course for the premises to be licensed. There was a kitchen and there was a small bar. He understood that there had been a long bar before: it was now smaller and more befitting a wedding suite. Mr Xhauri advised that the VIP lounge would be a changing room for customers.

g. The Chair referred to statements made that not all breaches would undermine the licensing objectives, but noted that papers mentioned eight or nine breaches and a potential closure order at premises managed by the applicant and this raised concerns. It was advised that Mr Xhauri had been managing the premises referred to for three years and this was the first time it had come to notice. Concerns had been brought to his attention and had been dealt with. He maintained that not all breaches undermined the licensing objectives.

h. Councillor Savva asked how many people the hall could hold. It was confirmed that the maximum capacity would be about 250 but it was not certain as there were no tables and chairs in place yet. Mr Xhauri had also not yet spoken to London Fire Brigade.

i. Mr Wormald asked why there was little evidence of Mr Xhauri's intentions for the venue, such as a business plan, branding, marketing, staffing or a website, and why the layout submitted seemed inconsistent with a wedding suite, and there was no plan set out for the inside. Mr Xhauri advised that the area marked as a ticket desk would be a storage room and did not indicate that he would be selling tickets. The CCTV coverage would also give proof. The venue was unfinished at this stage so he could not give full details.

j. In response to the Chair's query regarding the location, and the active measures proposed to prevent past patrons from coming back, Mr Xhauri advised that it was a good place for a banqueting suite.

k. In response to Charlotte Palmer's further queries regarding procedures to prevent people entering the venue uninvited, Mr Xhauri stated that one of his staff or himself would be on the door at all times, and confirmed that they were SIA registered.

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- l. In response to Charlotte Palmer's question why in that case, the proposed condition 23 suggested by the Police was not agreed, Mr Aylott confirmed that a condition requiring six door supervisors was not acceptable because the premises was not a night club and that guests at a wedding did not want to see door supervisors. In response to further queries, it was advised that six door staff was considered very restrictive, particularly for an event such as a 60th birthday until 00:00, and that the cost would be prohibitive. This was why the suggested conditions were resisted in their current format.
- m. The Chair highlighted that conditions had been proposed in their own right to address the licensing objectives and queried again any proposals to mitigate uninvited guests. Mr Aylott suggested another way forward would be to utilise the staff that Mr Xhauri already had who were SIA registered, when necessary. As in the proposed condition 31, the applicant was happy to submit the form 696 Metropolitan Police Risk Assessment form 14 days prior to each event and, if there was felt to be a need for door staff a discussion could be had and there would be time to arrange the door supervisors. All issues covered by proposed conditions 23 to 27 relating to door supervision could be dealt with on the form.
- n. Councillor Savva regretted that the applicant was not in agreement with the proposed conditions which were for the safety of the premises' customers. Mr Aylott acknowledged the concerns, but maintained that a blanket condition to be applied on each occasion that the premises was open for licensable activities did not allow any scope to the applicant. If each occasion was risk assessed properly in conjunction with the Police it could be decided if there was a need for any female door supervisors and the appropriate number of staff, etc.
- o. The Chair asked if Mr Xhauri knew what he wanted at the venue and in the seeking of the premises licence and how it could be demonstrated. Mr Xhauri stated that he was very clear and ready to operate this premises and everything would be there in due course and that events would be pre-booked. He confirmed that he wished the application to be determined at this time and that he did not wish to withdraw it.
- p. Charlotte Palmer added the advice that anyone carrying out security activities could not also be employed behind the bar or elsewhere.
- q. Charlotte Palmer asked about the capacity of the largest venue run by Mr Xhauri. He advised that the largest was the Coliseum in Ilford, which he had run for five or six years and operated currently, and this was a banqueting suite which held 600 people.
7. The closing statement of Ellie Green, Principal Licensing Officer, including the following points:
- Having heard all of the representations, the sub-committee must take steps as it considered appropriate for the promotion of the licensing objectives and to assist, the relevant guidance issued by the Secretary of State and the Council's licensing policy were highlighted.
 - Members had heard that the TEN relating to Christmas Eve had been withdrawn.

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- c. It was still for the sub-committee to make a decision in respect of the TEN relating to New Years Eve.
8. The closing statement of Mr Richard Wormald on behalf of the Metropolitan Police Service, including the following points:
- a. At best this application could be judged as premature. If Mr Xhauri was a new broom for this premises he needed to provide evidence of his plans to persuade the Police of his intentions.
 - b. All that was evident were applications for TENs to 03:30 and a licence application with a submitted plan showing VIP lounges and ticket booths. This gave rise to scepticism.
9. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, including the following points:
- a. The Licensing Authority was still of the opinion that this location was not suitable for a late night venue.
 - b. This applicant had failed to demonstrate compliance with a premises licence elsewhere in the borough.
 - c. The applicant had advised that he also had responsibility for a venue elsewhere with a capacity of 600. This raised concerns about how he could control all premises at the same time.
 - d. Many other operators had tried and failed to operate this venue successfully.
 - e. Current banqueting suites elsewhere in the borough, such as Kervan and Prince & Princess, all had conditions on the licence in respect of door staff, as they were large capacity venues, and to ensure the safe and quiet dispersal of patrons.
10. The closing statement of Mr Alan Aylott on behalf of the applicant, including the following points:
- a. Mr Xhauri was an experienced licensee and did run large venues.
 - b. This was a valid application, and valid measures had been put in place.
 - c. The application was not done by Dadds Solicitors, and if it had it may have been that there would have been fewer questions arising.
 - d. The applicant had accepted a reduction in hours during the week and Sunday, and had accepted the conditions proposed by Environmental Health.
 - e. The applicant was happy to have door supervisors, but if the venue was only open one or two days for pre-booked events surely the best way forward would be to have discourse with those responsible for maintaining the law rather than a blanket condition which had the potential to be cost prohibitive.
 - f. Planning issues could not be taken into consideration in a licensing decision.
 - g. Those most likely to be affected by the premises licence were the local residents and it should be noted that no residents objected to this application.

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RESOLVED that

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

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

2. The Chairman made the following statement:

“Having considered all the written and oral representations and listened attentively to all parties at the hearing, the Licensing Sub-Committee (LSC) determined that refusing the application is the appropriate measure for the promotion of the licensing objectives.

It was acknowledged by all parties that the blighted history of the premises alone would not be sufficient to take such a disproportionate step, despite a long and troubled association by the venue with crime and disorder, although this was given some weight.

In essence, our decision relied on the respective opinions advanced as to the capability of the applicant to manage the premises under an intended totally new regime, and with a refreshed business dynamic that rendered the venue a banqueting suite rather than a night club.

In either guise, the application remains for a late night venue, and therefore all the licensing objectives have to be addressed in arriving at the decision.

The LSC was fully persuaded by the cases submitted by the Metropolitan Police Service (MPS) and the Licensing Authority and share their lack of confidence in the applicant to promote the licensing objectives. We heard evidence that in all prior dealings with the MPS the applicant had shown no candour, little co-operation, lack of clear intentions, and with vague physical plans for the premises which, if not accurate, could alone invalidate any licence.

Submitting two Temporary Event Notices, so close to the hearing, when there was plenty of time to have done so sooner, was deemed to be obstructive, and was unsupported by evidence to justify that the licensing objectives would be fully and effectively promoted.

In short, the application, we were told, and as was asserted by way of questioning during the hearing, was at best premature, and was lacking

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in any substantive evidence, plans or materials to persuade the MPS over time or the sub-committee here today that the licence should be granted in any form.

The written application of 18th October 2015 was considered to be incomplete and did not reflect the stated intention for how the business, going forward, might be operated. The physical plan of the premises was unchanged from the previous use, and further fuelled the scepticism of the responsible authorities that the “new broom” was ready to make a significant change to the way the venue has operated in the past.

The LSC was additionally persuaded by the case made by the Licensing Authority that the premises was not suitable to be operated as a late night venue. There was nothing in the application to inspire any confidence that Mr Xhauri had taken sufficient or appropriate preventative steps to determine otherwise.

The applicant himself has been identified as being non-compliant over a number of licensing breach allegations at other premises, some of which are sufficiently serious to warrant alternative legal proceedings. The point made in summary that all other banqueting suites in the borough operate to conditions similar to those proposed by the MPS but not agreed by the applicant, was compelling.

Such lack of compliance, the fact that the applicant is also involved in a number of other licensed establishments of varying sizes, also raises doubts as to his capacity to devote sufficient time to a premises which has, as acknowledged, had a troubled past. The issue is one of confidence, and the LSC was not persuaded by the ability of the applicant, under questioning, or by the evidence submitted to justify granting of a licence at all.

The application was weak. The application was incomplete. The application was premature. The evidence provided was inconsistent and failed to demonstrate that sufficient preventative action was now being taken to support the licensing objectives.

Non-compliance from managing much smaller venues was deemed an aggravating factor.”

3. The Licensing Sub-Committee resolved that the application be refused.

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ROYAL VENUE, 1 JUTE LANE, ENFIELD, EN3 7PJ - GIVING A TEMPORARY EVENT NOTICE (REPORT NO. 149)

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Notice was given by Mr Agron Xhauri to use the premises known as and situated at Royal Venue, 1 Jute Lane, Enfield, EN3 7PJ for licensable activities at a proposed event at the premises from 20:00 on Thursday 24 December 2015 to 03:30 on Friday 25 December 2015.

NOTED that the Temporary Event Notice was withdrawn at the hearing.

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ROYAL VENUE, 1 JUTE LANE, ENFIELD, EN3 7PJ - GIVING A TEMPORARY EVENT NOTICE

Notice was given by Mr Agron Xhauri to use the premises known as and situated at Royal Venue, 1 Jute Lane, Enfield, EN3 7PJ for licensable activities at a proposed event at the premises from 00:00 to 03:30 on Friday 1 January 2016.

NOTED that the Temporary Event Notice was considered in parallel with the application for a new premises licence.

RESOLVED that

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

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

2. The Chairman made the following statement:

“The application for what, at the hearing, became a single Temporary Event Notice, was rejected on the basis:

- (a) that it was incoherent and provided no details of what the event was to be, and how it was going to run in a way that satisfied the sub-committee that the licensing objectives would be promoted;
- (b) that the reasons given for refusing the application for a new premises licence at the same venue all pertain.”

3. The Licensing Sub-Committee resolved that it is appropriate, for the promotion of the licensing objectives, to give Mr Xhauri a counter notice for the event.

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MINUTES OF PREVIOUS MEETING

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RECEIVED the minutes of the meeting held on Wednesday 25 November 2015.

AGREED that the minutes of the meeting held on 25 November 2015 be confirmed and signed as a correct record.

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