

MUNICIPAL YEAR 2023/24 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
7 February 2024

REPORT OF :
Ellie Green, Licensing Team Manager

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
<p>SUBJECT : Review Application</p> <p>PREMISES : The Fox PH, 413 Green Lanes, LONDON, N13 4JD</p> <p>WARD : Palmers Green</p>	

1 LICENSING HISTORY - LN/200502204:

- 1.1 The Fox has held premises licence LN/200502204 since 30 September 2005 following a conversion application. The application, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 The premises licence holder (PLH) was Mr Joseph Murray and he was also the named Designated Premises Supervisor (DPS). Mr Murray remained named on the licence for both positions until the premises licence LN/200502204 was closed for administrative purposes (but not surrendered or revoked) in 2021 after annual fee payments had not been received since 29 September 2018. Officers had established that the premises was closed and a large part of the premises and car park had now become residential flats. The premises licence holder, Joseph Murray, did not respond to any communication.
- 1.3 No review or prosecution action was taken under this licence.
- 1.4 A copy of former premises licence LN/200502204 is attached as **Annex A**.

2 LICENSING HISTORY & CURRENT POSITION - LN/201900900:

- 2.1 On 20 February 2020, a new premises licence application was granted to The Fox, naming Star Pubs & Bars Ltd as the premises licence holder. The Police and Licensing Authority sought modification to the conditions, which the applicant agreed to and those representations were withdrawn. The premises licence was granted by officers in accordance with delegated powers, premises licence reference LN/201900900.
- 2.2 The licensable activities sought and granted were:

Table 1

Activity	Times
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays Films Performance of Dance	08:00 – 00:00 Everyday
Live Music Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

2.3 On 25 November 2022, a minor variation application was granted, to amend the plan following refurbishment works. This was not subject to any representations.

2.4 Mr Austin Whelan was named as the Designated Premises Supervisor (DPS) with effect from 22 December 2022. This was not subject to any representations.

2.5 On 4 December 2023, a vary DPS application was granted naming Mr James Sharkey as the new DPS. This was not subject to any representations.

2.6 No other review or prosecution action has been taken since premises licence LN/201900900 was issued.

2.7 A copy of the current premises licence LN/201900900 is produced as **Annex B/ Appendix 1**.

3 THIS APPLICATION:

3.1 On 19 December 2023 an application was made by Enfield Council's Licensing Authority for the review of Premises Licence LN/201900900 and is produced in **Annex B**, which also includes the Annexes to support that review.

3.2 The review application has been submitted as the Licensing Authority believes that the provision of music undermines the licensing objective - the prevention of public nuisance. The council have received several complaints from local residents regarding loud music emanating from The Fox. Statutory noise nuisances have been witnessed. A noise abatement notice has been served as another statutory noise nuisance was witnessed by Council Noise Officers. This

notice has been subsequently breached as officers witnessed further statutory noise nuisances.

- 3.3 As the premises is authorised for alcohol on sales, the premises currently benefits from being entitled to play live and recorded music between 8am and 11pm, as long as the audience does not exceed 500 persons.
- 3.4 Premises licence LN/201900900 permits various regulated entertainment, including live and recorded music, until latest 1am. Therefore regulated entertainment and any related conditions only come into effect at 11pm.
- 3.5 This review seeks to remove all regulated entertainment from premises licence LN/201900900 and to disapply the automatic entitlement under the provisions of Section 177A of the Licensing Act 2003 by adding a condition to the effect that regulated entertainment, including live music and DJ music are not permitted at any time.
- 3.6 Therefore, the premises would only be able to offer music at background level only.
- 3.7 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 3.8 Each of the Responsible Authorities were consulted in respect of the application.

4 RELEVANT REPRESENTATIONS:

- 4.1 No representations have been received from any of the Responsible Authorities in response to this review application.
- 4.2 **Other Persons** – one local resident has submitted a representation in support (SUP1) of the review as they experience noise disturbance from loud music from the pub. A copy of their representation can be seen in **Annex C**. The Licensing Team also received 16 objections (OP1 – OP16) to the review, namely in support of The Fox, from local residents, an MP and a ward councillor. A copy of these representations can be seen in **Annex D**.
- 4.3 **Premises Licence Holder** – The Premises Licence Holder has indicated that a written representation and acoustic report will be submitted by 30 January 2024, which is after the time this report was produced. Once it is received, it shall be provided in a Supplementary Report.

5 PROPOSED LICENSING HOURS, ACTIVITIES & CONDITIONS:

- 5.1 The amended timings and activities sought by this review application are set out in Table 2 below.

Table 2:

Activity	Current Times	Proposed Times through this Review
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Films	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Performance of Dance	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Live Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

5.2 If the Licensing Committee decide to modify the premises licence by adding further conditions to the premises licence, a copy of the proposed conditions arising from the review application can be seen in **Annex B/Appendix 7**.

6 RELEVANT LAW, GUIDANCE & POLICIES:

6.1 See **Annex E** for the guidance in relation to regulated entertainment.

6.2 Section 177A(4) of the Licensing Act 2003 states:

“On a review of a premises licence or club premises certificate a licensing authority may (without prejudice to any other steps available to it under this Act) add a condition relating to ... music as if—
 (a) the... music were regulated entertainment, and
 (b) the licence or certificate licensed the ... music.”

6.3 To assist, S.177A(4) can allow the Licensing Sub-Committee to add conditions to the premises licence, for example, noise control conditions which would apply throughout the hours of operation, as if the music was considered regulated entertainment.

6.4 It should be noted that the Licensing Authority are seeking a condition be applied to the premises licence which means that the premises licence should not have regulated entertainment to be permitted at all, at any time, and that this premises licence does not benefit from the usual entitlement for alcohol on supply premises for music, 8am to 11pm. The condition sought by this review effectively means the premises will only be permitted to play background music at all times.

Review:

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

Decision:

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

6.6.1 to modify the conditions of the licence;

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

6.6.3 to remove the designated premises supervisor

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

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

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

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

Contact Officer :
Ellie Green on 0208 379 3578

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200502204**

Part 1 – Premises Details

Postal address of premises :

Premises name : **The Fox PH**

Telephone number : **020 8882 1604**

Address : **Public House 413 Green Lanes LONDON N13 4JD**

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 : 10:00 - 00:30
Monday : 10:00 - 00:30
Tuesday : 10:00 - 00:30
Wednesday : 10:00 - 00:30
Thursday : 10:00 - 00:30
Friday : 10:00 - 19:00
Saturday : 10:00 - 19:00

Christmas Eve : 10:00 - 03:00,

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

(2) **Open to the Public - Main Bar Only**

Sunday : -
Monday : -
Tuesday : -
Wednesday : -
Thursday : -
Friday : 19:00 - 00:30
Saturday : 19:00 - 00:30

Christmas Eve : 10:00 - 03:00,

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

(3) Open to the Public - Function Room Only
Sunday : -
Monday : -
Tuesday : -
Wednesday : -
Thursday : -
Friday : 10:00 - 03:00
Saturday : 10:00 - 03:00
Christmas Eve : 10:00 - 03:00,
New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(4) Supply of Alcohol - On and Off Supplies - Whole Premises
Sunday : 10:00 - 00:00
Monday : 10:00 - 00:00
Tuesday : 10:00 - 00:00
Wednesday : 10:00 - 00:00
Thursday : 10:00 - 00:00
Friday : 10:00 - 19:00
Saturday : 10:00 - 19:00
Christmas Eve : 10:00 - 02:00,
New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(5) Supply of Alcohol - On and Off Supplies - Main Bar Only
Sunday : -
Monday : -
Tuesday : -
Wednesday : -
Thursday : -
Friday : 19:00 - 00:00
Saturday : 19:00 - 00:00
Christmas Eve : 10:00 - 02:00,
New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(6) Supply of Alcohol - On and Off Supplies - Function Room Only
Sunday : -
Monday : -
Tuesday : -
Wednesday : -
Thursday : -
Friday : 10:00 - 02:00
Saturday : 10:00 - 02:00
Christmas Eve : 10:00 - 02:00,
New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(7) Films - Indoors	
Sunday :	10:00 - 00:00
Monday :	10:00 - 00:00
Tuesday :	10:00 - 00:00
Wednesday :	10:00 - 00:00
Thursday :	10:00 - 00:00
Friday :	10:00 - 00:00
Saturday :	10:00 - 00:00
Christmas Eve :	10:00 - 02:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(8) Live Music - Indoors - Main Bar	
Sunday :	12:00 - 00:00
Monday :	12:00 - 00:00
Tuesday :	12:00 - 00:00
Wednesday :	12:00 - 00:00
Thursday :	12:00 - 00:00
Friday :	12:00 - 00:00
Saturday :	12:00 - 00:00
Christmas Eve :	11:00 - 02:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(9) Live Music - Indoors - Function Room Only	
Sunday :	-
Monday :	-
Tuesday :	-
Wednesday :	-
Thursday :	-
Friday :	12:00 - 01:00
Saturday :	12:00 - 01:00
Christmas Eve :	10:00 - 01:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(10) Recorded Music - Indoors - Main Bar	
Sunday :	11:00 - 00:00
Monday :	11:00 - 00:00
Tuesday :	11:00 - 00:00
Wednesday :	11:00 - 00:00
Thursday :	11:00 - 00:00
Friday :	11:00 - 00:00
Saturday :	11:00 - 00:00
Christmas Eve :	11:00 - 02:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(11) Facilities for Dancing - Indoors - Main Bar Only	
Sunday :	11:00 - 00:00

Monday :	11:00 - 00:00
Tuesday :	11:00 - 00:00
Wednesday :	11:00 - 00:00
Thursday :	11:00 - 00:00
Friday :	11:00 - 00:00
Saturday :	11:00 - 00:00
Christmas Eve :	11:00 - 02:00,
New Year's Eve :	from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day.

(12) Late Night Refreshment - Indoors - Whole Premises & Main Bar

Sunday :	23:00 - 00:00
Monday :	23:00 - 00:00
Tuesday :	23:00 - 00:00
Wednesday :	23:00 - 00:00
Thursday :	23:00 - 00:00
Friday :	23:00 - 00:00
Saturday :	23:00 - 00:00
Christmas Eve :	23:00 - 01:30,
New Year's Eve :	23:00 - 05:00.

Part 2

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

Name :	Mr Joseph Murray
Telephone number :	[REDACTED]
e-mail :	[REDACTED]
Address :	The Fox PH, Public House, 413 Green Lanes, LONDON, N13 4JD

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 Joseph Martin Murray
Telephone number :	[REDACTED]
e-mail :	[REDACTED]
Address :	[REDACTED]

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 :

Issuing Authority :

[REDACTED]

Premises Licence LN/200502204 was first granted on 30 September 2005.

Signed :

[REDACTED]

Date : 15th December 2016

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. The sale of alcohol must be ancillary to the use of the premises for music and dancing and substantial refreshment.**
- 3. Whenever music and dancing are provided, any portable electrical equipment (e.g. keyboards, amplifiers etc) shall be fed from a residual current device.**
- 4. There shall be a minimum of 2 staff members on duty at any one time.**
- 5. Staff shall call for taxis/min-cabs for customers on request.**
- 6. The maximum number of persons permitted in the main bar area on Friday and Saturdays from 19:00 - 00:30 shall not exceed 150.**
- 7. A dedicated area of the premises may remain open beyond closing time for the sole purpose of allowing patrons to wait within that area for pre-arranged transport (Minicabs etc).**
- 8. Signs are to be displayed at the front entrance, notifying patrons that there is no entry to the premises after 01:00 and no re-entry to the premises after 02:00.**
- 9. There shall be no entry to the premises after 01:00 and no re-entry to the premises after 02:00.**
- 10. A digital CCTV system must be installed in the premises complying with the following criteria:**
 - (1) Cameras must be sited to observe the entrance and exit doors both inside and outside and all floor areas used for licensable activity.**
 - (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
 - (3) Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
 - (4) Provide a linked record of the date, time, and place of any image.**
 - (5) Provide good quality images.**
 - (6) Operate under existing light levels within and outside the premises.**

- (7) Have the recording device located in a secure area or locked cabinet.**
- (8) Have a monitor to review images and recorded picture quality.**
- (9) Be regularly maintained to ensure continuous quality of image capture and retention.**
- (10) Have signage displayed in the customer area to advise that CCTV is in operation.**
- (11) Digital images must be kept for 28 days.**
- (12) Police or authorised local authority employees will have access to images at any reasonable time.**
- (13) All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and download images/footage upon request by Police or authorised local authority employees.**
- (14) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**

11. Children under 18 shall only be permitted on the premises if accompanied by an adult over 21 and then only until 22:00. Children are not allowed at the bar.

12. A minimum of 2 door supervisors shall be employed if the premises open on Sunday to Thursday past midnight.

13. At least one door supervisor shall remain directly outside the premises for 15 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons.

14. A written entry and search policy must be adopted and implemented by door supervisors and made available to Police or the Local Authority on request.

15. Toilets at the premises shall be checked for any sign of drug use an average of hourly between 19:00 and close, and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6 months.

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

17. The premises shall operate a 'Think 25' proof of age scheme. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

18. No drink shall be taken into the garden after 22:00.

19. A minimum of 4 door supervisors shall be employed on the premises on Friday and Saturdays from 21:00 until the premises have closed.

- 20. An additional door supervisor must be employed in the function hall when the hall is open for licensable activities.**
- 21. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.**
- 22. The number of persons that may be accommodated within the Function Room for a closely seated audience shall not exceed 160.**
- 23. The bar area adjoining the Function Room shall not be used for dancing.**
- 24. All external doors and windows shall be kept closed but not locked during regulated entertainment.**
- 25. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.**
- 26. Whenever music and dancing are provided, the seating area shall be extended throughout the main bar to reduce vertical drinking.**
- 27. When employed, one door supervisor shall be positioned at each entrance to the premises. The duties of these staff will include the supervision of persons entering and leaving the premises to ensure that this is achieved without causing nuisance.**
- 28. At least one door supervisor shall remain directly outside the premises for 30 minutes after the premises has closed to ensure the safe and quiet dispersal of patrons from the premises and car park area.**
- 29. During regulated entertainment an effective counting system shall be used to ensure that the maximum capacity is not exceeded for each area.**
- 30. When regulated entertainment is taking place staff shall carry out noise assessments outside the premises approximately every hour and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Staff shall be trained in the action to take if they believe the premises may be causing a disturbance to local residents. Records shall be made available to an officer of the Council or Police upon request.**
- 31. Whenever the licence is in use the car park shall be available for use by for patrons.**
- 32. Staff shall be trained in the action to take in the event of an emergency. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.**
- 33. Litterbins and wall-mounted ashtrays shall be provided at the premises.**

34. 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.

35. The car park shall be locked at the most 30 minutes after closing time, and a sign shall be erected on the Fox Lane frontage, advising customers of this closure.

36. Whenever regulated entertainment is provided one door supervisor shall check the car-park every 30 minutes to ensure no noise or disturbance is being created by those using the car park. A record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records shall be made available to an officer of the Council or Police upon request.

37. After 22:00 a maximum of 25 people may be permitted to any designated and supervised smoking area associated with the public house and function room. These areas shall be clearly identifiable using signage.

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

39. All staff must receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

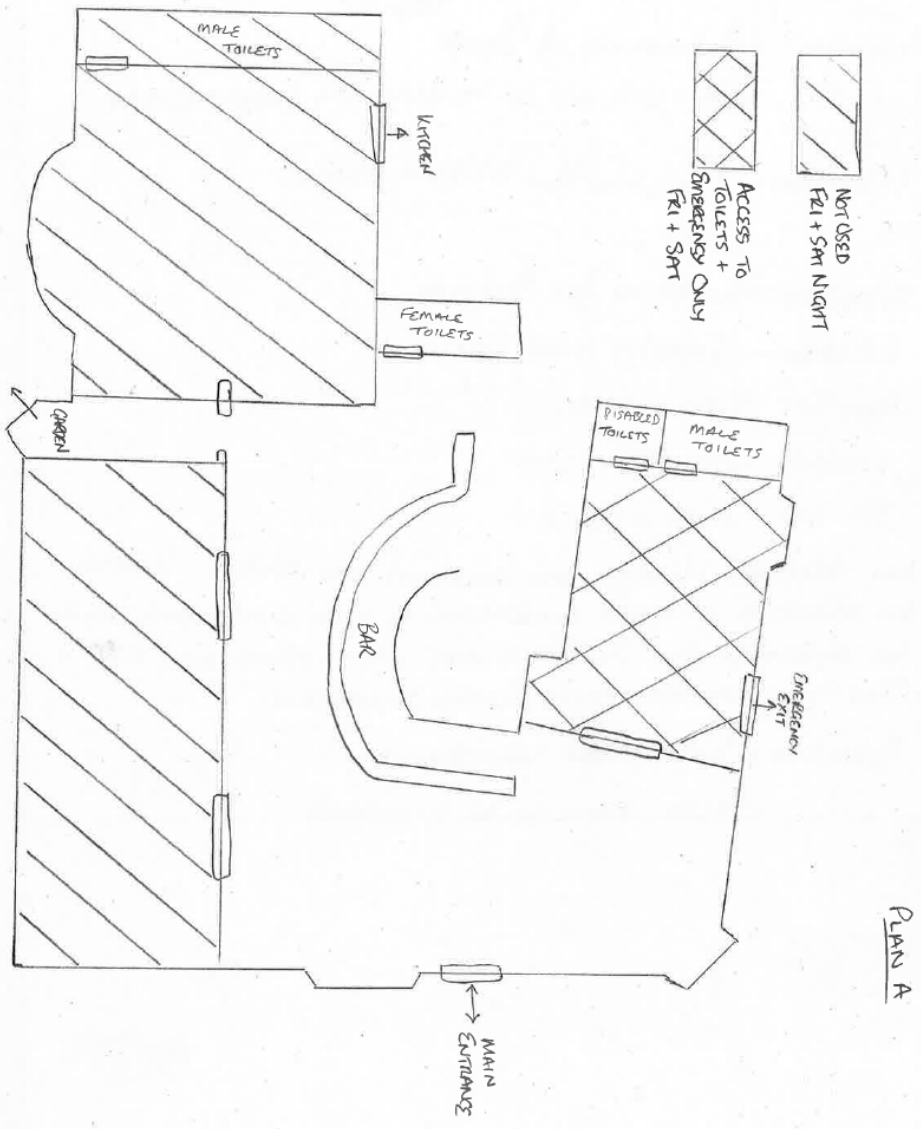
40. Conditions 2,8,9,13,14,19,27,28,29,30 and 36 do not apply to the Main Bar on Friday between 19:00 until close, and Saturday from 19:00 until close. The area of the premises which is included as the Main Bar is shown on Plan A.

41. All conditions will apply to the whole premises and Function Room during the remaining operating hours and the seasonal variations of hours.

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

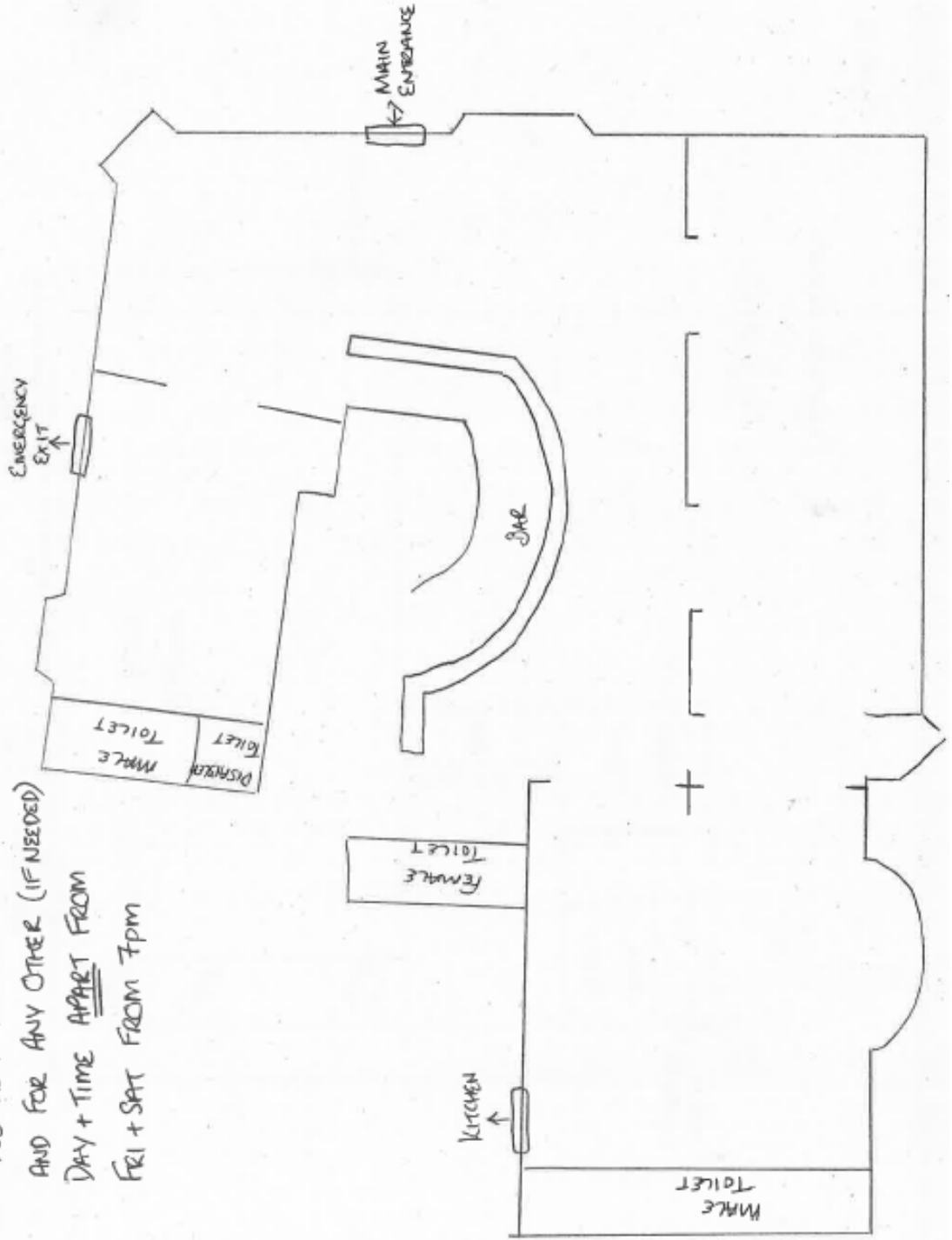
Not applicable

Annex 4 – Plans



PLAN B

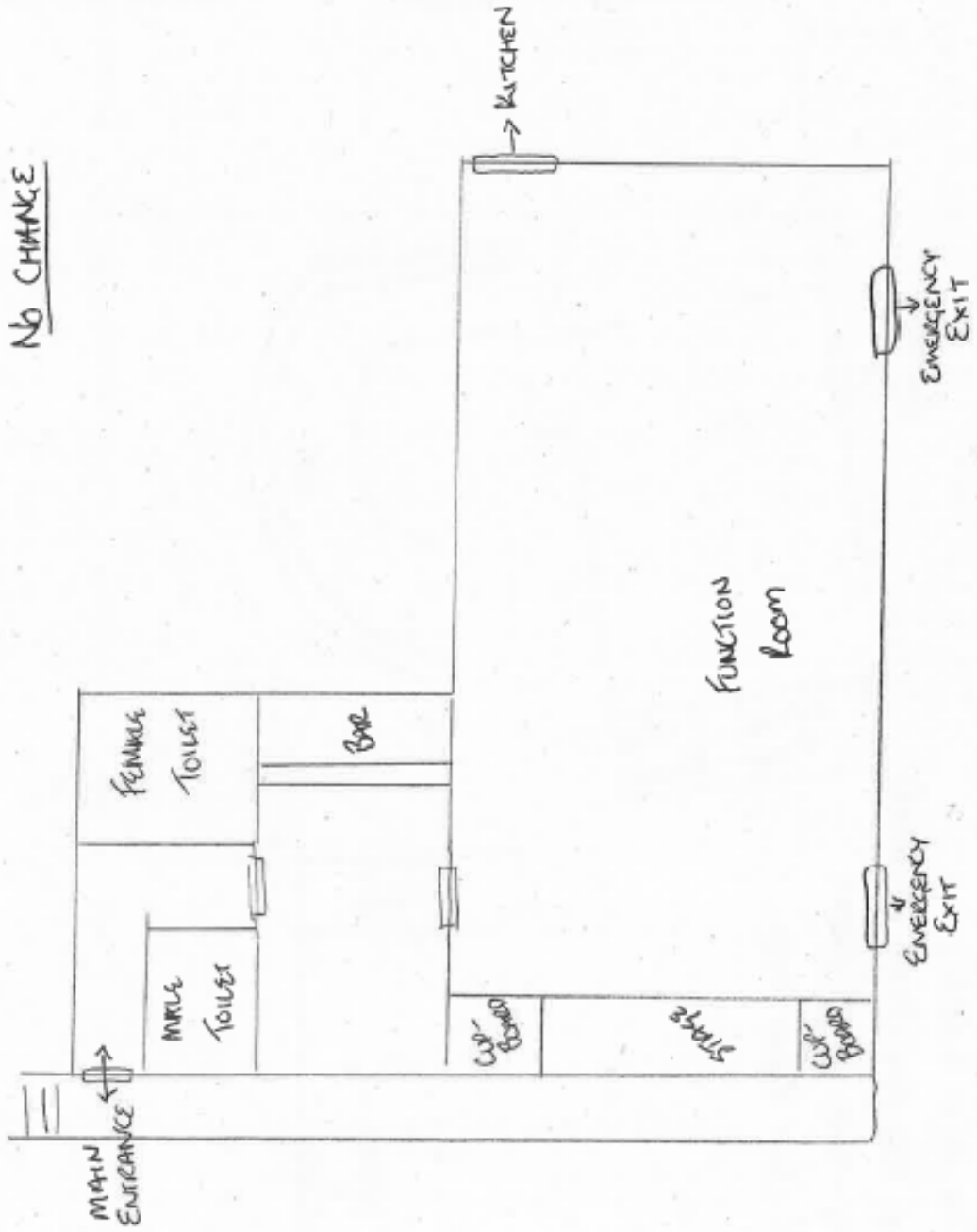
PUB AS IT IS NOW
AND FOR ANY OTHER (IF NEEDED)
DAY + TIME APART FROM
FRI + SAT FROM 7pm



Plans C

FUNCTION ROOM

NO CHANGE



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 premises 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.

London Borough of Enfield

Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

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

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

I **Victor Ktorakis, Senior Licensing Enforcement Officer**

(Insert name of applicant)

apply for the review of a premises licence under section 51 / [REDACTED] of the Licensing Act 2003 for the premises described in Part 1 below (delete as applicable)

Part 1 – Premises or club premises details

Postal address of premises or, if none, ordnance survey map reference or description

The Fox PH, 413 Green Lanes, LONDON, N13 4JD

Post town **Palmers Green, London**

Post code (if known) **N13 4JD**

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

Star Pubs & Bars Ltd

Number of premises licence or club premises certificate (if known)
LN/201900900

Part 2 - Applicant details

I am

Please tick ✓
yes

1) an individual, body or business which is not a responsible authority (please read guidance note 1, and complete (A) or (B) below)

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates
(please complete (A) below)

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

Please tick ✓ yes

Mr Mrs Miss Ms Other
title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

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

Post town

Post Code

Daytime contact telephone number

E-mail address


(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Victor Ktorakis Licensing Team B Block South Civic Centre Silver Street Enfield EN1 3XA	
Telephone number (if any)	
E-mail address	

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

Please tick one or more boxes ✓

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

Please state the ground(s) for review (please read guidance note 2)

The prevention of public nuisance licensing objective has been undermined: a statutory nuisance abatement notice has been served and subsequently breached. This is in relation to the considerable number of noise complaints received from local residents, who are being disturbed by live and recorded music, from The Fox.

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

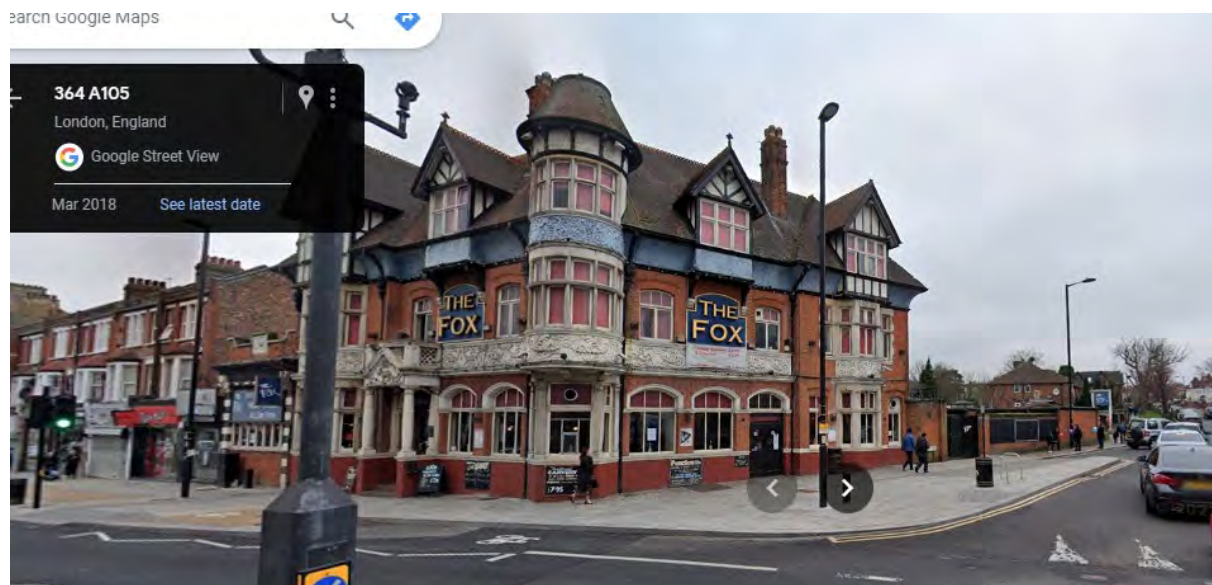
The Fox – Background History

The Fox held a previous licence at the same address, reference LN/200502204 which was issued on 30 September 2005. The licence was closed for administrative purposes (but not surrendered or revoked) in 2021 after annual fee payments had not been received since 29 September 2018 and officers established the premises was closed and a large part of the premises and car park had now become residential flats. The premises licence holder, Joseph Murray, did not respond to any communication.

No review or prosecution action was taken under this licence.

Google maps shows what The Fox looked like in March 2018 (see Image 1).

Image 1:



Premises Licence LN/201900900 – Background History

On 20 February 2020, a new premises licence application was granted to The Fox, naming Star Pubs & Bars Ltd as the premises licence holder. The Police and Licensing Authority sought modification to the conditions, which the applicant agreed to and those representations were withdrawn. The licensable activities sought and granted were:

Table 1

Activity	Times
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays Films	08:00 – 00:00 Everyday

Performance of Dance	
Live Music	23:00 – 00:00 Sun – Thurs
Recorded Music	23:00 – 01:00 Fri - Sat
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

On 25 November 2022, a minor variation application was granted, to amend the plan following refurbishment works. This was not subject to any representations.

Mr Austin Whelan was named as the Designated Premises Supervisor (DPS) with effect from 22 December 2022.

On 4 December 2023, a vary DPS application was granted naming Mr James Sharkey as the new DPS.

A copy of the current premises licence LN/201900900 is produced as **Appendix 1**.

No other review or prosecution action has been taken since premises licence LN/201900900 was issued.

Google maps shows what The Fox looked like in April 2022 and is similar to the current layout (see Image 2).

Image 2:



On the right-hand side of the pub, there are a large number of new residential homes (flats) in the new build, which are in close proximity to the re-opened The Fox pub.

Regulated Entertainment - Legal Provisions

Premises that have alcohol (on sales) on their premises licence are automatically entitled to provide regulated entertainment, including recorded and live music,

between the hours of 8am and 11pm. Therefore, any conditions relating to music or noise control for example, do not come into effect until 11pm.

However, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment throughout the entire operational hours of the premises. The condition should include a statement that Section 177A does not apply to the premises licence. This condition is being sought through this review.

History of Complaints & Officer Intervention in relation to The Fox:

Monday 5th June 2023: Complaint received from Resident 1 via email to the Licensing Team. Resident 1 states that they are disturbed by loud live music and other music and strong bass on Friday and Saturday nights and bank holidays from 7pm to 1am. They state that they have approached the pub manager to look into it. They can still hear the music which keeps them awake until the music is turned off.
COMPLAINT 1.

Wednesday 14th June 2023: Licensing Enforcement Officer (VPK) called The Fox. There was a message stating that the mailbox was full and then cut off. VPK then called John Pike (operations manager for Whelans pubs) on mobile and left message explaining nature of complaint and requested a call back.
OFFICER ADVICE 1.

Thursday 15th June 2023: VPK visited The Fox to discuss the noise complaints and other matters prevalent at that time. Spoke to John (assistant manager). VPK advised of the noise complaints received and how to prevent reoccurrence. An inspection report was left with John, see **Appendix 2.**
OFFICER ADVICE 2.

Thursday 13th July 2023 at 21:50: Council received a complaint from Resident 1 via the online form regarding noise. Resident 1 stated they were being disturbed by loud music and bass since 20:00 and was still ongoing. They stated that this noise disturbance occurs every Friday and Saturday night.
COMPLAINT 2.

Friday 14th July 2023: VPK called and left message for John Pike, Operations manager for Whelan Pubs. Explained nature of complaint and asked for call back.
OFFICER ADVICE 3.

Monday 17th July 2023 at 22:34: Council received a noise complaint from Resident 1 regarding noise via the online form. Resident 1 stated that they could hear live jazz music. They also stated that they could hear [REDACTED]. Resident 1 advised that loud music is played every Thursday, Friday and Saturday nights.
COMPLAINT 3.

Also on Monday 17th July 2023: VPK called and spoke to Tony Curran, the area manager for The Fox and discussed complaints. He advised they have moved the

bands to the far end of the premises, directly below the flat owned by the pub. The live bands are acoustic only. VPK advised that there was a complaint regarding noise on a Thursday. Tony advised that he would look into it and update VPK.

OFFICER ADVICE 4.

Thursday 20th July 2023 at 22:34: Council received a complaint from Resident 1 regarding loud music via online form. Resident 1 stated that they were being disturbed by loud live music and the use of the microphone at the pub.

COMPLAINT 4.

Saturday 22nd July 2023 at 21:08: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (CLB) arrived outside the pub at 22:30. The music was audible from the street and across the road on Fox Lane. The officer visited the complainant and made observations from their living room. The music was clearly audible. Statutory nuisance witnessed. Officer did not enter premises and speak to staff at this time.

COMPLAINT 5.

STATUTORY NUISANCE WITNESSED 1.

Wednesday 16th August 2023: VPK met at The Fox with Tony Curran (regional manager) and discussed the complaints received and also the nuisance that was witnessed by the noise officer on 22nd July 2023. Tony Curran advised that they are monitoring the level of the music. VPK advised that they should be making subjective noise assessments from outside and around the perimeter of the premises at regular intervals when music is being provided. I mentioned that local residents can also hear [REDACTED] from inside their homes. Tony Curran stated he is willing to get the company that installed the sound insulation back to check. Tony Curran also mentioned he will be at the pub for the next 3 weekends and will personally monitor the situation. VPK advised that if a nuisance is witnessed again, a notice will be served and the licence may be reviewed. **OFFICER ADVICE 4.**

Friday 18th August 2023 at 22:50: OOH noise officers were tasked to undertake observations of music from The Fox. The noise officer undertook the observations at 22:50. The music was at a low level, and could not be heard from outside the premises, not even outside front door of The Fox. The music was not deemed to be of a statutory nuisance as it was controlled and low level. Officers observed the premises for approximately 15 minutes.

Wednesday 6th September 2023 at 23:46: Council received a complaint from Resident 2 regarding loud music via online form. Resident 2 stated that they were disturbed by a large group of screaming drunk men inside and outside The Fox, and also loud singing, since 23:00. The music was reported to have continued until midnight. VPK viewed a video of this report taken by Resident 2 inside their home and observed music and singing could clearly be heard. Lyrics to 'sweet Caroline' could be heard very clearly and was evident that the audience were also singing along.

COMPLAINT 6.

Thursday 7th September 2023: Council received a complaint from Resident 3 via online form, regarding very loud, live music which occurs every Saturday. Resident 3

states the music is so loud, it disturbs their peace and they experience headaches every weekend.

COMPLAINT 7.

Friday 15th September 2023: Commercial Nuisance Officer (JI) sent a warning letter sent to Star Pubs & Bars Ltd as the premises licence holder about the noise and a copy is produced as **Appendix 3.**

OFFICER ADVICE 5.

Friday 6th October 2023 at 22:19: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (MW) visited the home of Resident 1 at 23:05. Noise officer observed the noise from music to be slightly audible but not a statutory nuisance at this time. The noise officer visited the premises and spoke to James Sharkey (who since became the DPS on 4th December 2023) and advised him of the complaint.

COMPLAINT 8.

OFFICER ADVICE 6.

Saturday 14th October 2023 at 21:09: Council's Out of Hours (OOH) Noise officers received a call from Resident 3 regarding loud music. Noise officer (CLB) visited the home of Resident 3 at 22:25. On arrival, music could be heard from outside of The Fox from 15 metres away. Loud music could then be heard from inside Resident 3's home, and song lyrics could be heard word for word. The noise officer could hear the words from the singer talking even with the microphone off. The noise officer observed that it appeared that there was no or very little sound insulation between the pub and the flats, and, that no regard given was given by staff to their neighbours. The noise officer was satisfied that the noise was of such a level it was deemed a statutory noise nuisance.

COMPLAINT 9.

STATUTORY NUISANCE WITNESSED 2.

Saturday 21st October 2023 at 23:04: Council's Out of Hours (OOH) Noise officers received a call from Resident 1 regarding loud music. Noise officer (DWD) visited the home of Resident 1 at 23:25. The noise officer heard very heavy, repetitive bass music from the living room and the bedroom. The noise officer stated that the noise was deemed a statutory nuisance for Resident 1. The noise officer also heard [REDACTED] within Resident 1's home. The noise officer visited The Fox at 23:40 and advised staff of the complaint and observations. Staff reduced the music volume and bass whilst the officers were on site.

COMPLAINT 10.

OFFICER ADVICE 7.

STATUTORY NUISANCE WITNESSED 3.

Wednesday 1st November 2023: Noise officer (CLB) served Section 80 noise nuisance abatement notices served on Star Pubs & Bars Ltd and Austin Whelan (the DPS at this time), see **Appendix 4 and 5** respectively.

OFFICER ADVICE 8.

Monday 20th November 2023: VPK spoke with Austin Whelan (the DPS at that time) on the phone, and Austin confirmed he had received the noise nuisance

abatement notice. He stated he the managers had not advised him of the noise concerns. VPK enquired whether Tony Curran had spoken to him about the noise concerns, and Austin advised that he had, however, Tomy led Austin to believe that everything was ok. Auston stated that he had problems with the landlords and had a meeting booked with Star Pubs & Bars Ltd the following week. Austin mentioned that the pub is experiencing water leaks from the flats, which has meant the kitchen had to close. Austin went on to state that the main building contractor for the flats has gone bankrupt, and that he thought that the sound insulation for the pub is unlikely to be adequate. Austin advised VPK that he would do whatever he can to reduce the noise so that it is no longer causing a nuisance. VPK advised that poor sound insulation may be a contributing factor as even the [REDACTED] can be heard in the flats.

OFFICER ADVICE 9.

Saturday 2nd December 2023 at 21:26: Council's Out of Hours (OOH) Noise officers received a call from Resident 2 regarding loud music. Noise officer (JI) arrived outside the pub at 22:32. Walking past the pub, the noise officer could clearly hear the music through the entrance doors. The inner doors were closed and the outer doors were propped open. The noise officer then attended Resident 2's home and observed loud music and singing that could clearly be heard in the lounge. The noise officer could clearly hear the song lyrics and also the person speaking on the microphone. Bass was also coming up through the floor. The noise officer noted that the noise was extremely intrusive and was preventing the enjoyment of the owner's home. The applause and cheering from the audience was also loud. The noise officer confirmed this was a statutory noise nuisance and a breach of the noise nuisance abatement notice. The noise officer entered The Fox at 23:45 and spoke to a member of staff, James Padraig. James was advised that a statutory nuisance had been witnessed again and this would be brought to the attention of Licensing Enforcement. James Padraig advised the noise officer that music had been louder earlier in the evening, but he had reduced the volume following his findings on his sound check walk about. Due to the noise officer's arrival and observations, the band ceased playing for the night.

COMPLAINT 11.

OFFICER ADVICE 10.

STATUTORY NUISANCE WITNESED 4.

Friday 15th December 2023: Commercial nuisance officer (JI) served a Fixed Penalty Notice (FPN) on Star Pubs & Bars Ltd for the breach of the noise nuisance abatement notice observed on 2 December 2023. The FPN is £400 and must be paid by 12 January 2024. A copy of the FPN is produced in **Appendix 6**.

The Fox Website:

The Fox has a website: <https://whelanspubs.co.uk/whelans-premium/the-fox/> which mentions live music and entertainment being a prominent feature of the pub's activity:

Image 3:

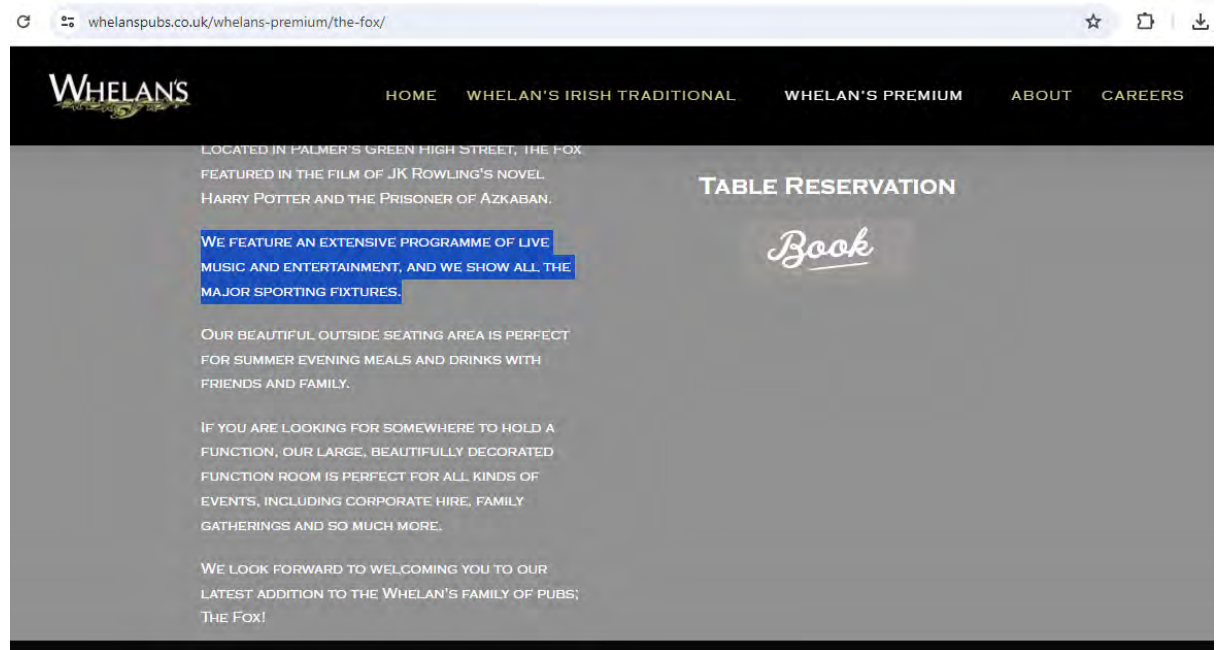


Image 4:

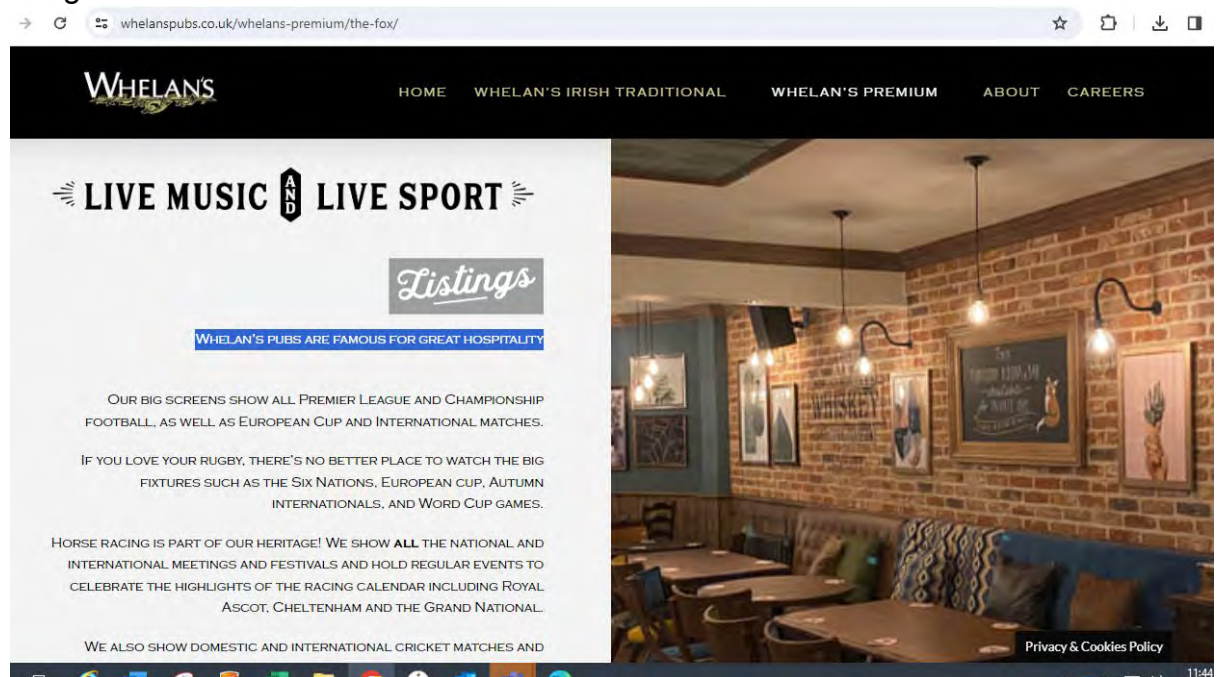
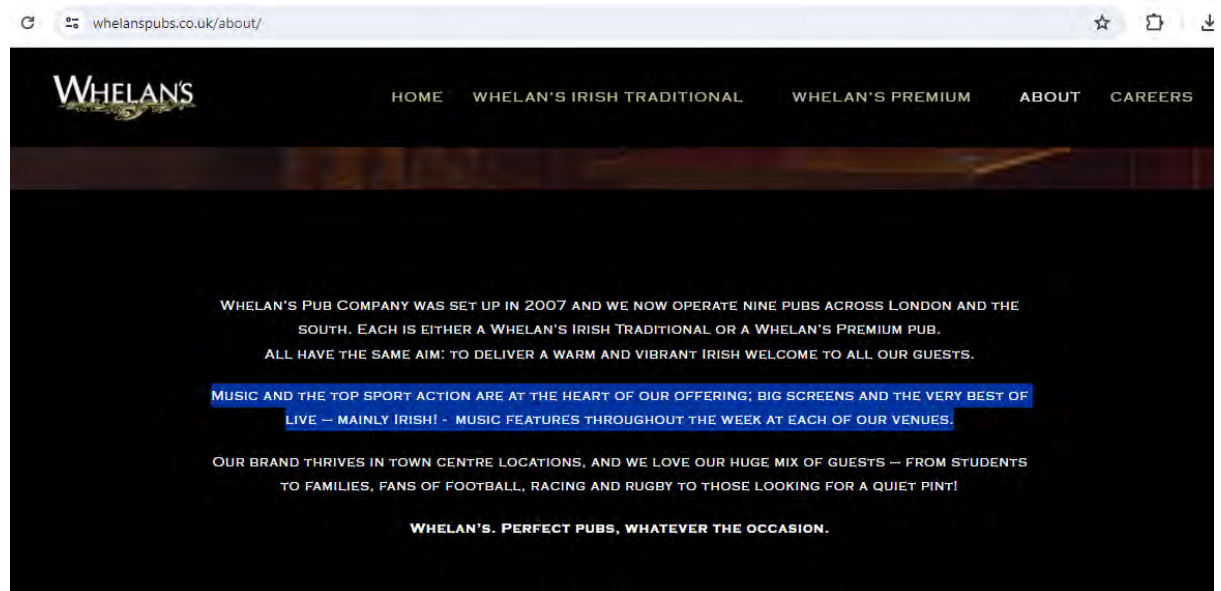


Image 5:



The premises are also advertising Christmas Party Nights, Image 6:



Facebook:

The Fox has a Facebook profile (<https://www.facebook.com/profile.php?id=100086772217525>) which advertises a range of events involving music, such as:

- Friday's by DJ MikeyMAC;
- Saturday live music 9pm to 11pm, various artists;
- Monday jazz music, various artists;
- Christmas party nights, as per website advert above.

Image 7:

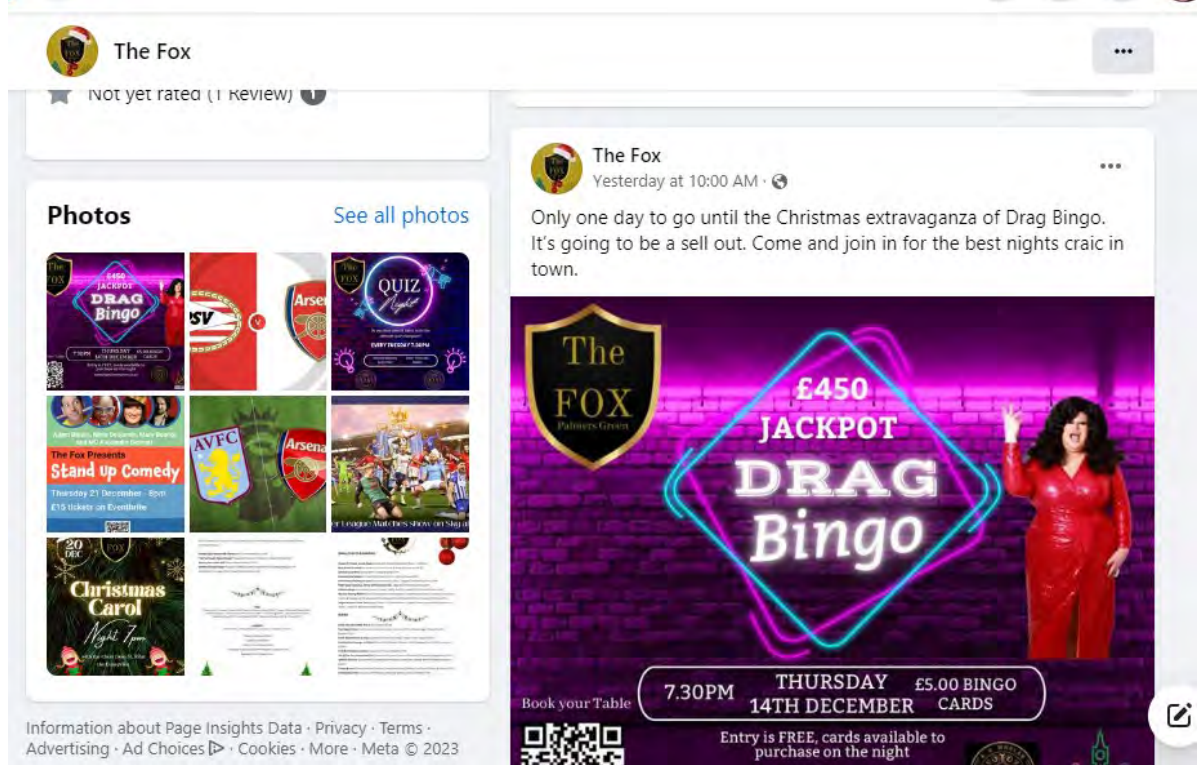


Image 8:

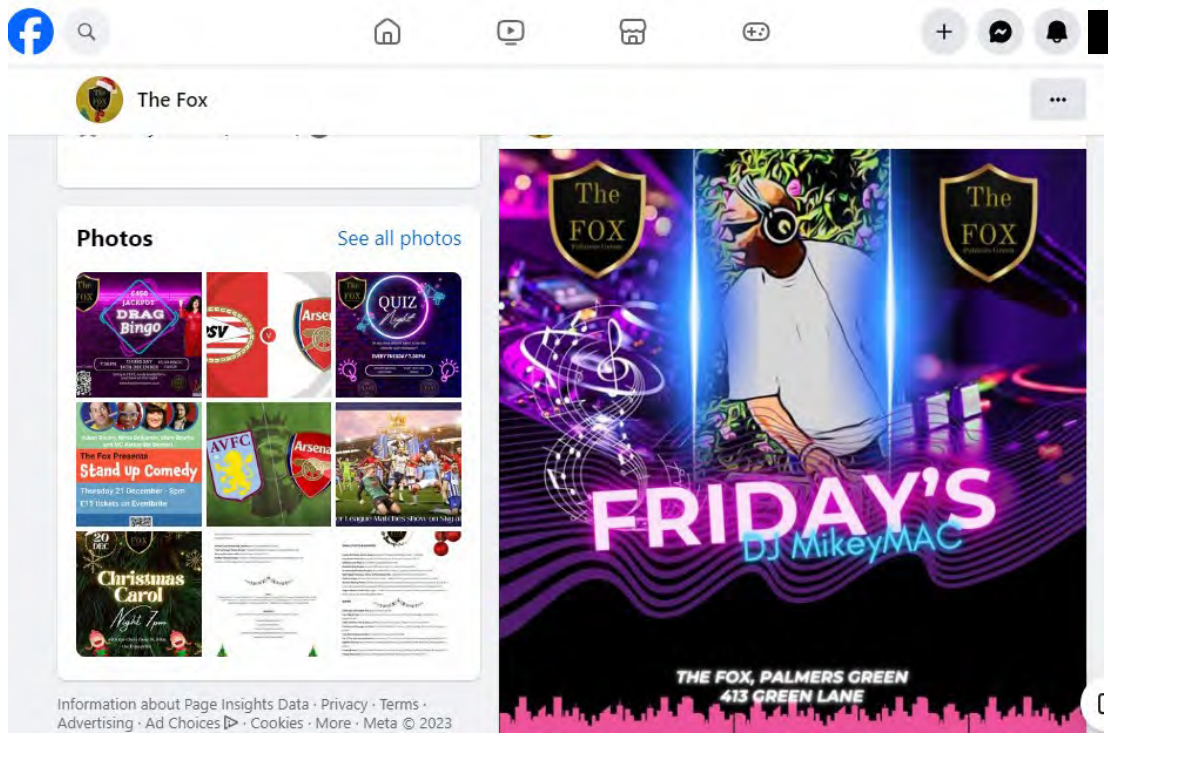


Image 9:

 The Fox ...

[utm_source=linktree_profile_share&itsid=293970d1-ba83-4fd0-be2b-886cb7d1fbb4](#)

 Open now v


 Dine-in ·  Outdoor seating ·  Online booking...



 Not yet rated (1 Review) i

Photos See all photos

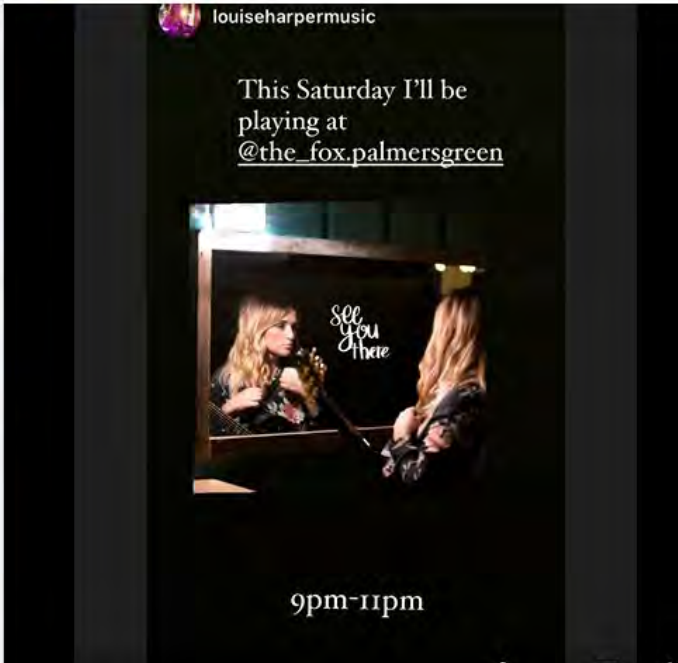



Image 10:

 The Fox ...

 The Fox November 25 at 12:41 PM ·  ...

Photos See all photos










[Information about Page Insights Data](#) · [Privacy](#) · [Terms](#) · [Advertising](#) · [Ad Choices](#)  · [Cookies](#) · [More](#) · [Meta](#) © 2023


Image 11:



 The Fox ...

 Dine-in ·  Outdoor seating ·  Online booking...


 Not yet rated (1 Review) 

Photos [See all photos](#)



 The Fox ...
November 18 at 5:28 PM · 

The very talented Colin Andrew will be performing live tonight.



LIVE MUSIC
Featuring
SATURDAY 11TH
9PM - 11PM
COLIN ANDREW
The Fox, Palmers Green

Image 12:

 The Fox ...

Photos [See all photos](#)




JAZZ MONDAYS

 @The Fox 413 
Green Lanes N13 4JD
SECOND SEASON
October - December
LONDON'S FINEST JAZZ ARTISTS


 ADAM GLASSER Oct 30 th	 RACHAEL COHEN Nov 6 th	 JOHN PARRICELLI Nov 13 th
 HENRY LOWTHER Nov 20 th	 TONY KOFI Nov 27 th	 ALAN BARNES Dec 4 th

Information about Page Insights Data · Privacy · Terms · Advertising · Ad Choices · Cookies · More · Meta © 2023


Image 13:

 The Fox

Dine-in · Outdoor seating · Online booking...

★ Not yet rated (1 Review) 

Photos [See all photos](#)



An action-packed day at The Fox, finishing up with Live Music.






Image 14:

 The Fox


+20 3 6059562

Foxpalmersgreen@gmail.com

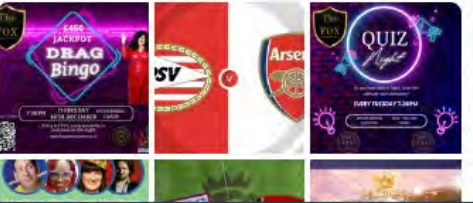
[linktr.ee/foxpalmersgreen?
utm_source=linktree_profile_share<sid=293970d1-ba83-4fd0-be2b-886cb7d1fbb4](https://linktr.ee/foxpalmersgreen?utm_source=linktree_profile_share<sid=293970d1-ba83-4fd0-be2b-886cb7d1fbb4)

🕒 Open now 


Dine-in · Outdoor seating · Online booking...

★ Not yet rated (1 Review) 

Photos [See all photos](#)

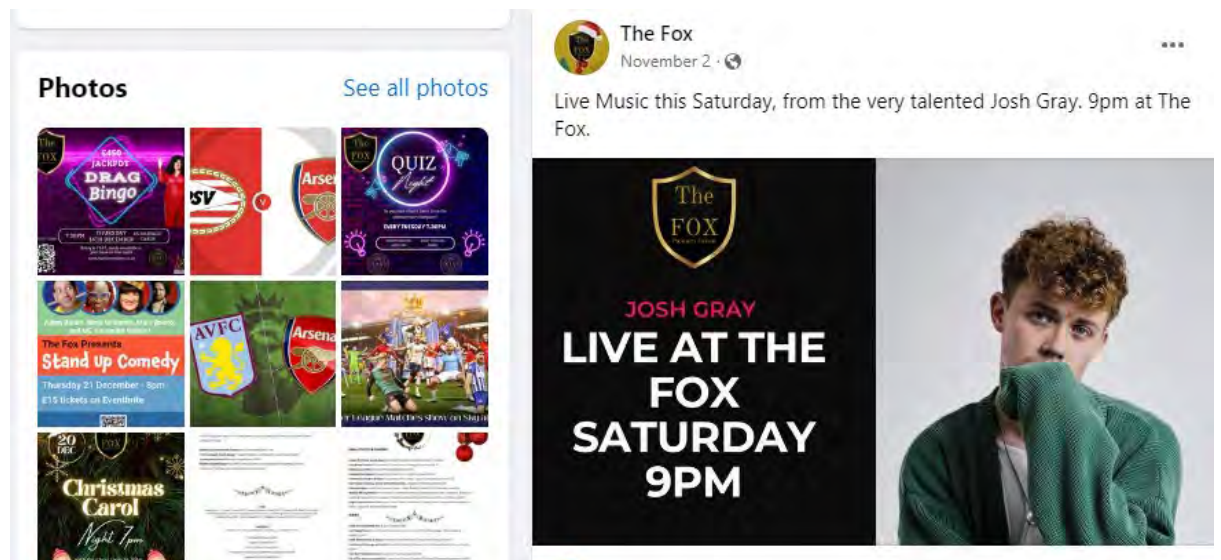


We have an action-packed November for you all, along side our 7-day-a-week Food, Sunday Roast all the Live Sports, The Fox Palmers Green is the place to be on these cold and wet evenings.



SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
28 Trad Session	29 Jazz Night	30 Quiz	1 STEAK NIGHT	2	3 D.J MikeyMac	4 LIVE MUSIC Kish Gray
5 Trad Session	6 Jazz Night	7 Quiz	8 STEAK NIGHT	9	10 D.J MikeyMac	11 LIVE MUSIC Fankie Roelke
12 Trad Session	13 Jazz Night	14 Quiz	15 STEAK NIGHT	16 Drag Bingo	17 D.J MikeyMac	18 LIVE MUSIC Lulu Kerry
19 Trad Session	20 Jazz Night	21 Quiz	22 STEAK NIGHT	23 Stand Up Comedy	24 D.J MikeyMac	25 LIVE MUSIC Louise Harper
26 Trad Session	27 Jazz Night	28 Quiz	29 STEAK NIGHT	30	1 D.J MikeyMac	2 LIVE MUSIC

Image 15:



To summarise:

- The complaints made to the council have been received by three different residents, each on more than one occasion.
- 11 noise complaints from residents have been made between 5th June 2023 and 2nd December 2023.
- In response to these complaints, noise officers have witnessed music to be at such a level that it was deemed to be a statutory noise nuisance on 4 separate occasions.
- Three different noise officers have established the statutory noise nuisances.
- Officers have provided advice to staff at the premises at the time of the complaint, and after the event, on 10 occasions.
- Times of noise complaints received: 21:08, 21:09, 21:26, 21:50, 22:19, 22:34 (x 2), 23:04, 23:46 and generally between 7pm and 1am.
- Times of statutory noise nuisance witnessed:
22:30 on 22/7/23
22:25 on 14/10/23
23:25 on 21/10/23
22:32 on 2/12/23

The noise officers are of the view that the premises is not suitable for music other than only background level, at any time of day. The sound insulation in the building is simply not adequate. The music events are all advertised in such a manner, that they cannot be deemed incidental music.

Seek:

To conclude, the premises is not deemed to be a suitable venue to provide regulated entertainment (music above background level) at any time. No conditions would be

strong enough to control the sound level issues stemming from any regulated entertainment. We therefore seek to remove all music from the licensable activities of the premises licence, as follows in Table 2:

Table 2:

Activity	Current Times	Proposed Times through this Review
Opening hours	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat	08:00 – 01:00 Sun – Thurs 08:00 – 02:00 Fri - Sat
Plays	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Films	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Performance of Dance	08:00 – 00:00 Everyday	Remove (including seasonal variations)
Live Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Recorded Music	23:00 – 00:00 Sun – Thurs 23:00 – 01:00 Fri - Sat	Remove (including seasonal variations)
Late Night Refreshment	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat	23:00 – 00:30 Sun – Thurs 23:00 – 01:30 Fri - Sat
Supply of alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat

Furthermore, this review also requests that the Licensing Sub-Committee apply the following condition to the premises licence:

Section 177A does not apply to this premises licence, therefore no regulated entertainment is permitted at any time, including live music and DJ.

The full list of conditions relevant to this review application are produced in **Appendix 7.**

Please tick ✓ yes

Have you made an application for review relating to the premises before

If yes please state the date of that application

Day Month Year

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

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

Please tick ✓ yes

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

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 3 – Signatures (please read guidance note 4)

Signature of applicant or applicant’s solicitor or other duly authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature *Victor Ktorakis*

.....

Date **19 December 2023**

.....

Capacity **Senior Licensing Enforcement Officer**

.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 6)

Post town

Post Code

Telephone number (if any)

E-mail address

Notes for Guidance

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

Appendix 1

Licensing Act 2003



PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number:

Part 1 – Premises Details

Premises Name and Address:

Where the licence is time-limited, the dates:

Maximum number of persons permitted on the premises where the capacity is 5,000 or more.

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:

Operating Schedule Details

Location	Whole Premises
Activity	Open to the Public
Sunday	08:00-01:00
Monday	08:00-01:00
Tuesday	08:00-01:00
Wednesday	08:00-01:00
Thursday	08:00-01:00
Friday	08:00-02:00
Saturday	08:00-02:00
Non-Standard Timings & Seasonal Variations	Sunday preceding Bank Holiday : 08:00 - 02:00 Monday Bank Holiday : 08:00 - 02:00 Christmas Eve : (if on a Sun to Thursday) : 08:00 - 02:00 (if on a Friday to Saturday) : 08:00 - 03:00 Boxing Day : (if on a Sun to Thursday) :

	<p>08:00 - 02:00</p> <p style="text-align: center;">(if on a Friday to Saturday) :</p> <p>08:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p> <p>In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.</p>
--	--

Location	On & Off Supply
Activity	Supply of Alcohol
Sunday	10:00-00:00
Monday	10:00-00:00
Tuesday	10:00-00:00
Wednesday	10:00-00:00
Thursday	10:00-00:00
Friday	10:00-01:00
Saturday	10:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 10:00 - 01:00</p> <p>Monday Bank Holiday : 10:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 10:00 - 01:00</p> <p style="text-align: center;">(if on a Friday to Saturday) :</p> <p>10:00 - 02:00</p> <p>Boxing Day : (if on a Sun to Thursday) : 10:00 - 01:00</p> <p style="text-align: center;">(if on a Friday to Saturday) :</p> <p>10:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

	In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.
--	---

Location	Indoors
Activity	Plays
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	Indoors
Activity	Films
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 08:00 - 01:00</p> <p>Monday Bank Holiday : 08:00 - 01:00</p> <p>Christmas Eve : Mon to Sun : 08:00 - 01:00</p> <p>Boxing Day : Mon to Sun : 08:00 - 01:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

Location	Indoors
Activity	Live Music
Sunday	23:00-00:00
Monday	23:00-00:00
Tuesday	23:00-00:00
Wednesday	23:00-00:00
Thursday	23:00-00:00
Friday	23:00-01:00
Saturday	23:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:00</p> <p>Monday Bank Holiday : 23:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p> <p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>

Location	Indoors
Activity	Recorded Music
Sunday	23:00-00:00
Monday	23:00-00:00
Tuesday	23:00-00:00
Wednesday	23:00-00:00
Thursday	23:00-00:00
Friday	23:00-01:00
Saturday	23:00-01:00
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:00</p> <p>Monday Bank Holiday : 23:00 - 01:00</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p> <p>23:00 - 02:00</p>

	<p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:00</p> <p style="text-align: right;">(if on a Friday to Saturday) : 23:00 - 02:00</p> <p>New Year's Eve : from the end of permitted hours on New Year's Eve to the start of permitted hours on New Year's Day</p>
--	---

Location	Indoors
Activity	Performance of Dance
Sunday	08:00-00:00
Monday	08:00-00:00
Tuesday	08:00-00:00
Wednesday	08:00-00:00
Thursday	08:00-00:00
Friday	08:00-00:00
Saturday	08:00-00:00
Non-Standard Timings & Seasonal Variations	

Location	Indoors
Activity	Late Night Refreshment
Sunday	23:00-00:30
Monday	23:00-00:30
Tuesday	23:00-00:30
Wednesday	23:00-00:30
Thursday	23:00-00:30
Friday	23:00-01:30
Saturday	23:00-01:30
Non-Standard Timings & Seasonal Variations	<p>Sunday preceding Bank Holiday : 23:00 - 01:30</p> <p>Monday Bank Holiday : 23:00 - 01:30</p> <p>Christmas Eve : (if on a Sun to Thursday) : 23:00 - 01:30</p> <p style="text-align: right;">(if on a Friday to Saturday) : 23:00 - 02:30</p> <p>Boxing Day : (if on a Sun to Thursday) : 23:00 - 01:30</p> <p style="text-align: right;">(if on a Friday to Saturday) :</p>

23:00 - 02:30

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

In the event of the transmission of any recognised international sporting event which falls outside of the current permitted hours of the premises licence to permit the activity commencing 1 hour before the start of the event and ending 1 hour after the end of the event.

Part 2

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

Name: Star Pubs & Bars Ltd
Address: 3-4 Broadway Park, South Gyle Broadway, Edinburgh,
EH12 9JZ

Registered number of holder (if applicable): SC250925

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

Name: Mr James Sharkey
Address: [REDACTED]

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: [REDACTED]
Issuing Authority: Birmingham City Council

Signed [REDACTED]

Date: 4 December 2023

for and on behalf of the
London Borough of Enfield
Licensing Team,
Civic Centre, Silver Street,
Enfield EN1 3XY



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. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:**
 - (a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.**
 - (b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;**
 - (c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;**
 - (d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;**
 - (e) The system will provide full. coverage of the interior of the premises and any exterior part of the premises accessible to the public;**
 - (f) The system will record in real time and recordings will be date and time stamped;**
 - (g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.**
 - (h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.**

- 3. An Incident log shall be kept at the premises in either handwritten or electronic format and made available, on request, to an authorised officer of the Council or the Police, which will record the following:**
 - (a) all crimes reported to the venue**
 - (b) all ejections of patrons**
 - (c) any complaints received**
 - (d) any incidents of disorder**
 - (e) any visit by a relevant authority or emergency service**

- 4. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or**

similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

5. 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.

6. All windows and external doors shall be kept closed during regulated entertainment, except for the immediate access and egress of persons.

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

8. The outside seating area shall be cleared of all tables and chairs by no later than 23:00 hours.

9. Customers shall not be permitted to take drinks outside after 23:00 hours.

10. All off sales shall be made in a sealed container.

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

12. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.

13. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

14. Children aged under 18 years shall only be permitted on the premises when accompanied by an adult.

15. Children under the age of 16 shall only be permitted on the premises until 21:00 hours and children over 16 but under the age of 18 shall only be permitted on the premises until 23:00. An exception to this shall be when the premises are hired out for private functions such as weddings.

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

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

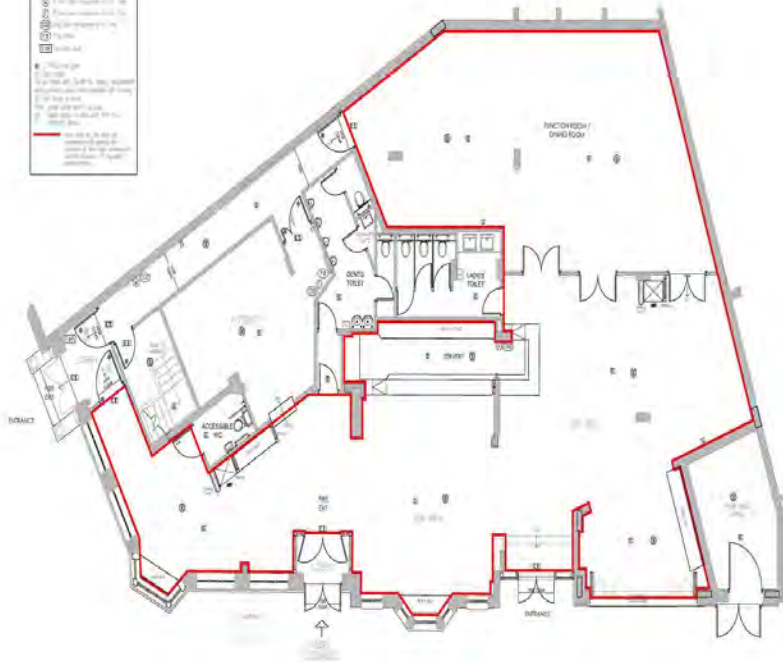
18. The premises licence holder or DPS shall give the Licensing Authority at least 7 days' notice prior to using the non-standard timings relating to a recognised international sporting event including the timings of the event.

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

Not applicable

Annex 4 – Plans

FIRE SAFETY KEY	
1	Fire alarm control panel
2	Fire alarm call point
3	Fire alarm control panel
4	Fire alarm call point
5	Fire alarm control panel
6	Fire alarm call point
7	Fire alarm control panel
8	Fire alarm call point
9	Fire alarm control panel
10	Fire alarm call point
11	Fire alarm control panel
12	Fire alarm call point
13	Fire alarm control panel
14	Fire alarm call point
15	Fire alarm control panel
16	Fire alarm call point
17	Fire alarm control panel
18	Fire alarm call point
19	Fire alarm control panel
20	Fire alarm call point
21	Fire alarm control panel
22	Fire alarm call point
23	Fire alarm control panel
24	Fire alarm call point
25	Fire alarm control panel
26	Fire alarm call point
27	Fire alarm control panel
28	Fire alarm call point
29	Fire alarm control panel
30	Fire alarm call point
31	Fire alarm control panel
32	Fire alarm call point
33	Fire alarm control panel
34	Fire alarm call point
35	Fire alarm control panel
36	Fire alarm call point
37	Fire alarm control panel
38	Fire alarm call point
39	Fire alarm control panel
40	Fire alarm call point
41	Fire alarm control panel
42	Fire alarm call point
43	Fire alarm control panel
44	Fire alarm call point
45	Fire alarm control panel
46	Fire alarm call point
47	Fire alarm control panel
48	Fire alarm call point
49	Fire alarm control panel
50	Fire alarm call point
51	Fire alarm control panel
52	Fire alarm call point
53	Fire alarm control panel
54	Fire alarm call point
55	Fire alarm control panel
56	Fire alarm call point
57	Fire alarm control panel
58	Fire alarm call point
59	Fire alarm control panel
60	Fire alarm call point
61	Fire alarm control panel
62	Fire alarm call point
63	Fire alarm control panel
64	Fire alarm call point
65	Fire alarm control panel
66	Fire alarm call point
67	Fire alarm control panel
68	Fire alarm call point
69	Fire alarm control panel
70	Fire alarm call point
71	Fire alarm control panel
72	Fire alarm call point
73	Fire alarm control panel
74	Fire alarm call point
75	Fire alarm control panel
76	Fire alarm call point
77	Fire alarm control panel
78	Fire alarm call point
79	Fire alarm control panel
80	Fire alarm call point
81	Fire alarm control panel
82	Fire alarm call point
83	Fire alarm control panel
84	Fire alarm call point
85	Fire alarm control panel
86	Fire alarm call point
87	Fire alarm control panel
88	Fire alarm call point
89	Fire alarm control panel
90	Fire alarm call point
91	Fire alarm control panel
92	Fire alarm call point
93	Fire alarm control panel
94	Fire alarm call point
95	Fire alarm control panel
96	Fire alarm call point
97	Fire alarm control panel
98	Fire alarm call point
99	Fire alarm control panel
100	Fire alarm call point



Checklist of all areas and elements
before work up to level and any elements
not to be included in the plan.

Construction

LAP
 Licensed Architectural Practice
 100 Green Lane, Palmers Green, London N13 4JD
 Tel: 020 8438 1234
 www.lap.co.uk

THE FOX
 413 GREEN LANE
 PALMERS GREEN N13 4JD

STAR PUBS & BARS

PROPOSED GROUND FLOOR LICENSING PLAN

Reference:	1/18/01/001/01
Date:	12/12/18
Scale:	1:100
Author:	JM
Check:	AM
Drawn:	JM
Scale:	1:100

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.

REF: WK/

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	The Fox	
Premises Address	413 Green Lane N13 4JD	
Time of Visit:	Start: 12:10	Finish: 12:30

During an inspection of your premises on 15th June.....2025....., the following was checked:

- Part B of Premises Licence displayed? Yes No
- Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
- Conditions of licence checked? Yes No

No. of condition not in compliance	Evidence/Advice
	visit regarding recent noise complaints and barriers/planters.
	Spoke to John and advised re noise noise complaints. Also advised that barriers must be removable and no planters allowed.

Any other matter(s) that need addressing:
 Please see conditions of Tables and Chairs licence

You are required to have the above matters attended to withindays of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Print Name of Officers in Attendance: Victor Ktoravlis	Signature: [Redacted]
[Redacted]	Print Name & Position: John Davenport, ASSISTANT MANAGER.
If you have any queries relating to this report please contact licensing@enfield.gov.uk	Email/Tel of recipient:

Application forms can be downloaded at: <https://new.enfield.gov.uk/services/business-and-licensing/>



The Owner(s)
The Fox
413 Green Lanes
LONDON
N13 4JD

Please
reply to: Mr Joynul Islam
Pollution Control & Planning
Enforcement,
Civic Centre, Silver Street,
Enfield, EN1 3XY

E-mail: [REDACTED]

Tel: [REDACTED]

Date: **15/09/2023**

Dear Sir/Madam

Environmental Protection Act 1990.

Premises: The Fox PH, 413 Green Lanes, LONDON, N13 4JD

Alleged Nuisance: "Noise from loud music every Saturday, and also on Wednesday 7 September 2023 till midnight"

It has been brought to my attention that noise from activities at or associated with these premises is affecting local residents. This matter has not been fully investigated and this letter does not necessarily imply that a nuisance is being caused.

The purpose of this letter is to bring to your attention the provisions of the law with reference to Noise Nuisance. I would ask you to consider whether any noise or activities at these premises could cause a disturbance to other residents, and if so, to take whatever measures are possible to abate the noise.

If satisfied that the complaint is justified a formal notice under Section 80 of the above Act may be served specifying whatever steps are necessary to abate the nuisance and/or prevent the recurrence. Failure to comply with such a Notice would constitute an offence for which a fine of up to £unlimited (commercial) or ~~£5,000 (residential)~~ can be imposed on conviction.

In the circumstances, I would strongly urge you to consider the above information and if appropriate to ensure that any noise from activities on your premises is kept to a minimum. I also advise that Licensing Enforcement officers are investigating the same matter.

However, if you feel you have been wrongly identified, or that the complaint is unjustified or would like to discuss the matter further please do not hesitate to contact me.

Yours faithfully

[REDACTED]

Joynul Islam
Environmental Protection (Commercial Nuisance) Officer

IMPORTANT – Enfield residents should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time – to set up your account today go to www.enfield.gov.uk/connected

Sarah Cary
Executive Director Place
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY

Website: www.enfield.gov.uk

Appendix 4



Star Pubs & Bars Ltd
3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ

Please reply to: Charles Le Besque
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH
E-mail : [REDACTED]
My Ref : [REDACTED]
Your Ref :
Date : 1 November 2023

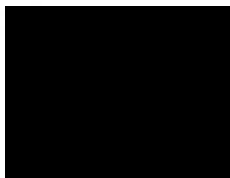
Dear Star Pubs & Bars Ltd,

Re: Environmental Protection Act 1990

Address: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]


Yours sincerely



Charles Le Besque
Principal Officer (Public Health)
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk

 If you need this document in another language or format contact the service using the details above.

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Star Pubs & Bars Ltd

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

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] ~~[likely occurrence]~~ ~~[recurrence]]~~ of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, within the district of the said Council arising from:

Amplified music and voices

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] ~~[owner]~~ ~~[occupier]~~ of the premises, **The Fox PH, 413 Green Lanes, LONDON, N13 4JD**, from which the noise is or would be emitted ~~[forthwith]~~ **[within 7 days]** from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is ~~[injurious to health]~~ [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

/contd

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:



Charles Le Besque
Principal Officer (Public Health)

Dated 1st November 2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B



Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

(1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.

(2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—

(a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);

(c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the notice relates—

(i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or

(ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or

(iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or

(iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—

(aa) the artificial light is emitted from industrial, trade or business premises, or

(bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act).]

that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Appendix 5



Mr Austin Whelan
[REDACTED]

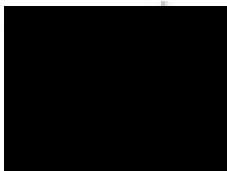
Please reply to: Charles Le Besque
Environmental Protection, Civic Centre,
Silver Street, Enfield, EN1 3XH
E-mail : [REDACTED]
My Ref : [REDACTED]
Your Ref :
Date : 1 November 2023

Dear Mr Whelan,

Re: Environmental Protection Act 1990
Address: The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Enclosed is a Notice for your attention. Please contact me if you have any queries on the above email address or the following telephone number Tel: [REDACTED]


Yours sincerely



Charles Le Besque
Principal Officer (Public Health)
Environmental Protection Team

Enfield Council has launched a series of 14 e-newsletters covering a range of topics that provide residents with more frequent Council news and service updates. More than 40,000 people have already signed up, make sure you're one of them. You can register at www.enfield.gov.uk/enewsletters

Simon Pollock
Interim Executive Director of Environment and Communities
Enfield Council
Civic Centre, Silver Street
Enfield EN1 3XY
www.enfield.gov.uk

 If you need this document in another language or format contact the service using the details above.

LONDON BOROUGH OF ENFIELD

ENVIRONMENTAL PROTECTION ACT 1990 – SECTION 80

ABATEMENT NOTICE IN RESPECT OF STATUTORY NUISANCE

To: Mr Austin Whelan

Of: [REDACTED]

TAKE NOTICE that under the provisions of the Environmental Protection Act 1990 the Council of the London Borough of Enfield, being satisfied of the [existence] ~~likely occurrence~~ ~~recurrence~~ of a noise amounting to a nuisance under section 79 (1) (g) of the above Act at **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, within the district of the said Council arising from:

Amplified music and voices

HEREBY REQUIRE YOU as the [person responsible for the said nuisance] ~~owner~~ ~~occupier~~ of the premises, **The Fox Public House, 413 Green Lanes, LONDON, N13 4JD**, from which the noise is or would be emitted ~~forthwith~~ ~~within 7 days~~ from the service of this notice, to abate the same, and also HEREBY PROHIBIT the recurrence of the same and for that purpose require you to:

Abate the nuisance

[IN the event of an appeal this notice shall NOT be suspended until the appeal has been abandoned or decided by the Court, as, in the opinion of the Council,

[the noise to which this notice relates is ~~injurious to health~~ [likely to be of a limited duration such that suspension would render the notice of no practical effect]].

[the expenditure which would be incurred by any person in carrying out works in compliance with this notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance]].

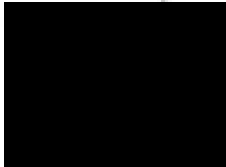
/contd

[REDACTED]

IF YOU CONTRAVENE without reasonable excuse any requirement of this notice you will be guilty of an offence under section 80 (4) of the Environmental Protection Act 1990 and liable on summary conviction to a fine not exceeding level 5 on the standard scale together with a further fine of an amount equal to one-tenth of that level one-tenth of the greater of £5,000 or level 4 on the standard scale for each day on which the offence continues after the conviction. A person who commits an offence on industrial, trade or business premises will be liable, on summary conviction, to a fine.

The Council may also take proceedings in the High Court for securing the abatement, prohibition or restriction of the nuisance. Furthermore, if you fail to execute all or any of the works in accordance with this notice, the Council may execute the works and recover from you the necessary expenditure incurred.

Signed:

A solid black rectangular box used to redact the signature of the Principal Officer.

Charles Le Besque
Principal Officer (Public Health)

Dated 1 November 2023

“Note - The person served with this notice may appeal against the notice to a magistrates' court within the period of twenty-one days beginning with the date on which they were served with the notice.”

NB See attached explanatory notes N6B

A solid black rectangular box used to redact information in the footer of the document.

Statutory Nuisance (Appeals) Regulations 1995

The Statutory Nuisance (Appeals) Regulations 1995 provide as follows; Appeals under section 80(3) of the Environmental Protection Act 1990 ('the 1990 Act')

2 Appeals under section 80(3) of the 1990 Act

- (1) The provisions of this regulation apply in relation to an appeal brought by any person under section 80(3) of the 1990 Act (appeals to magistrates) against an abatement notice served upon him by a local authority.
- (2) The grounds on which a person served with such a notice may appeal under section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case—
- (a) that the abatement notice is not justified by section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 - (b) that there has been some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the abatement notice served under section 80A(3) (certain notices in respect of vehicles, machinery or equipment);
 - (c) that the authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the abatement notice are otherwise unreasonable in character or extent, or are unnecessary;
 - (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the abatement notice are to be complied with is not reasonably sufficient for the purpose;
 - (e) where the nuisance to which the notice relates—
 - (i) is a nuisance falling within section 79(1)(a), (d), (e), (f)[, (fa)] or (g) of the 1990 Act and arises on industrial, trade, or business premises, or
 - (ii) is a nuisance falling within section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, or
 - (iii) is a nuisance falling within section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes, [or
 - (iv) is a nuisance falling within section 79(1)(fb) of the 1990 Act and—
 - (aa) the artificial light is emitted from industrial, trade or business premises, or
 - (bb) the artificial light (not being light to which sub-paragraph (aa) applies) is emitted by lights used for the purpose only of illuminating an outdoor relevant sports facility (within the meaning given by section 80(8A) of the 1990 Act),]
- that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of—

- (i) any notice served under section 60 or 66 of the 1974 Act (control of noise on construction sites and from certain premises), or
- (ii) any consent given under section 61 or 65 of the 1974 Act (consent for work on construction sites and consent for noise to exceed registered level in a noise abatement zone), or
- (iii) any determination made under section 67 of the 1974 Act (noise control of new buildings);

(g) that, in the case of a nuisance under section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the abatement notice by virtue of section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the abatement notice should have been served on some person instead of the appellant, being—

- (i) the person responsible for the nuisance, or
- (ii) the person responsible for the vehicle, machinery or equipment, or
- (iii) in the case of a nuisance arising from any defect of a structural character, the owner of the premises, or
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner or occupier of the premises;

(i) that the abatement notice might lawfully have been served on some person instead of the appellant being—

- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, or
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises,

and that it would have been equitable for it to have been so served;

(j) that the abatement notice might lawfully have been served on some person in addition to the appellant, being—

- (i) a person also responsible for the nuisance, or
- (ii) a person who is also owner of the premises, or
- (iii) a person who is also an occupier of the premises, or
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as an appeal is based on the ground of some informality, defect or error in, or in connection with, the abatement notice, or in, or in connection with, any copy of the notice served under section 80A(3), the court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his notice of appeal on any other person referred to, and in the case of any appeal to which these regulations apply he may serve a copy of his notice of appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the hearing of the appeal the court may—

- (a) quash the abatement notice to which the appeal relates, or
- (b) vary the abatement notice in favour of the appellant in such manner as it thinks fit, or
- (c) dismiss the appeal;

and an abatement notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the local authority.

(6) Subject to paragraph (7) below, on the hearing of an appeal the court may make such order as it thinks fit—

- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, or
- (b) as to the proportions in which any expenses which may become recoverable by the authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the court—

- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the notice of appeal in pursuance of paragraph (4) above.

3 Suspension of notice

(1) Where—

- (a) an appeal is brought against an abatement notice served under section 80 or section 80A of the 1990 Act, and—
- (b) either—
 - (i) compliance with the abatement notice would involve any person in expenditure on the carrying out of works before the hearing of the appeal, or
 - (ii) in the case of a nuisance under section 79(1)(g) or (ga) of the 1990 Act, the noise to which the abatement notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the abatement notice shall be suspended until the appeal has been abandoned or decided by the court.

(2) This paragraph applies where—

(a) the nuisance to which the abatement notice relates—

(i) is injurious to health, or

(ii) is likely to be of a limited duration such that suspension of the notice would render it of no practical effect, or

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the abatement notice before any appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the abatement notice—

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any appeal to a magistrates' court which has not been decided by the court, and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply.

Notice number: [REDACTED]
FPN_LLA & EPA 1990



FIXED PENALTY NOTICE:

**London Local Authorities Act 2004
(Schedule 2)**

OFFENCE: BREACH OF A SECTION 80 ABATEMENT NOTICE

**Star Pubs & Bars Ltd
3-4 Broadway Park
South Gyle Broadway
Edinburgh
EH12 9JZ**

I, Joynul Islam, an authorised officer of Enfield Council has reason to believe that you have committed an offence, details of which are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty of **£400**. No proceedings will be taken for this offence before the expiration of 28 calendar days following the date of this notice. The expiration date is **12/01/2024**. You will not be liable to conviction for the offence if you pay the fixed penalty before 28 calendar days. An early payment discount will apply if the penalty is paid before the end of the period of 14 calendar days beginning with the date of this notice. The last date for early payment is **05/01/2023**. The amount to be paid for an early payment discount is **£240**.

Date of offence:
02/12/2023

Location of offence:
The Fox Public House, 413 Green Lanes, LONDON, N13 4JD

Offence:
Breach of Section 80 Abatement Notice served under Environmental Protection Act 1990

Circumstances alleged to constitute the offence:
Statutory Nuisance caused by the playing of loud music, in breach of the Section 80 Abatement Notice which was served on 01/11/2023.

PLEASE NOTE: If you do not pay the fixed penalty within the period of 28 calendar days, you are liable to be prosecuted for the offence described above and if convicted could receive a fine of up to an 'unlimited' amount in the Magistrates Court.

Signature of Authorised Officer [REDACTED]	Name	Joynul Islam
	Date	15/12/2023

Environmental Protection Team, PO Box 57, Civic Centre, Silver Street, Enfield, EN1 3XH

PAYMENT INFORMATION IS GIVEN ON THE BACK OF THIS NOTICE

Notice number: [REDACTED]
FPN_LLA & EPA 1990

HOW TO PAY YOUR FIXED PENALTY NOTICE

You can pay by debit/credit card, or cheque:

Online

Visit the Council website: www.enfield.gov.uk

[Click '**Make a Payment**' on the home page. Then click '**Pay a penalty Notice**' under the sub-section 'Other'. Click on '**Pay a Fixed Penalty Notice (FPN) prefixed with WK/**']

Internet or phone banking

Pay us directly into the London Borough of Enfield bank account using account number: 81228307 and sort code: 40-20-23 (HSBC Bank), **quoting your notice number** [REDACTED] **as the reference.**

By Post:

Send a cheque made payable to: London Borough of Enfield. Write the notice number [REDACTED] and cost code **ES0198 67703** on the back of the cheque.

Post to:

Exchequer Services
London Borough of Enfield
Civic Centre
Silver Street
Enfield
EN1 3XA

If sending by post to qualify for early payment we must receive the payment before the expiration of 14 days starting with the date of this notice (you should post your payment in good time to allow delivery of it within the stated period).

Appendix 7

Proposed Conditions for LN/201900900

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. CCTV shall be installed, operated, and maintained, to function all times that the premises is open for licensable activities. Said CCTV will comply with the following criteria:

(a) The licensee will ensure that the system is checked every two weeks to ensure that the system is working properly and that the date and time are correct.

(b) A record of these checks, showing the date and name of the person checking, will be kept and made available to the police or other authorised officer on request;

(c) The Police will be informed if the system will not be operating for longer than one day of business for any reason;

(d) One camera will show a close-up of the entrance to the premises, to capture a clear, full length image of anyone entering;

(e) The system will provide full coverage of the interior of the premises and any exterior part of the premises accessible to the public;

(f) The system will record in real time and recordings will be date and time stamped;

(g) At all times during operating hours, there will be at least 1 member of staff on the premises who can operate the system sufficiently to allow Police or authorised Council officers to view footage on request.

(h) Recordings will be kept for a minimum of 31 days and downloaded footage will be provided free of charge to the police or other authorised officers on request (subject to GDPR) within 24 hours of any request.

3. An Incident log shall be kept at the premises in either handwritten or electronic format and made available, on request, to an authorised officer of the Council or the Police, which will record the following:

(a) all crimes reported to the venue

(b) all ejections of patrons

(c) any complaints received

(d) any incidents of disorder

(e) any visit by a relevant authority or emergency service

4. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a Public Space Protection Order Area (or similar) and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where they can be read by those leaving the premises.

5. 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.

6. All windows and external doors shall be kept closed during regulated entertainment, except for the immediate access and egress of persons.

REMOVE

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

REMOVE

8. The outside seating area shall be cleared of all tables and chairs by no later than 23:00 hours.

9. Customers shall not be permitted to take drinks outside after 23:00 hours.

10. All off sales shall be made in a sealed container.

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

12. A record of refused sales shall be kept on the premises and completed when necessary. This record shall contain the date and time of the refusal, a description of the customer, the name of the staff member who refused the sale, and the reason the sale was refused. 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.

13. The Designated Premises Supervisor shall regularly check the refusals system to ensure it is being consistently used by all staff.

14. Children aged under 18 years shall only be permitted on the premises

when accompanied by an adult.

15. Children under the age of 16 shall only be permitted on the premises until 21:00 hours and children over 16 but under the age of 18 shall only be permitted on the premises until 23:00. An exception to this shall be when the premises are hired out for private functions such as weddings.

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

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

18. The premises licence holder or DPS shall give the Licensing Authority at least 7 days' notice prior to using the non-standard timings relating to a recognised international sporting event including the timings of the event.

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

New condition:

19. Section 177A does not apply to this premises licence, therefore no regulated entertainment is permitted at any time, including live music and DJ.

Supporting Representation for The Fox Review

SUP1 Representation

I would like to express my concerns around the sound levels from The Fox pub in Palmers Green.

As a resident who lives in the newly built block, Otium House, I hear the music from the pub throughout my flat. It used to take place just at weekends but now it's throughout the week. When purchasing my flat, I had no idea that the sound proofing would be this bad, or the lack of it.

The [REDACTED] emit a sharp high pitch noise (similar to the sound of a vacuum cleaner) and this can be heard every time [REDACTED]. Therefore, I can hear [REDACTED] while I'm trying to sleep or am asleep, therefore waking me up.

There are multiple residents in the block who hear sounds from the pub in their individual flats - at least 6 flats have mentioned being disrupted by the noise. The bass is particularly apparent from the live music, where the sound travels all the way up to a resident on the [REDACTED]. In addition to this, the lyrics to music played can be heard word for word.

We would like professional sound proofing to be put in place to absorb the sound to avoid disruption. For example, even if someone is watching tv, the music can still be heard above it. Sometimes, I choose to sleep at a family member's house to avoid having to listen to the music on a Friday or Saturday night as it disrupts my evening, the ability to relax in my own home, and it affects my sleep. The constantly bass sound gives me a headache and it's affecting my mental health.

Additional music evenings have been added to the schedule and while I'm not against the pub providing entertainment, I believe that a venue needs to be fit for purpose. In this case, it's important that the sound is contained and doesn't impact the nearby residents.

As a person who works Monday to Friday, and lives in a residential area, I don't expect to hear loud music in my home on a weeknight. Once it was playing until 1am on a Wednesday night. I feel the bass on my pillow and have to sleep with ear plugs in my own home.

Collectively as residents we have tried different methods to communicate our concerns in an informal manner and feel that apart from moving the band around, very little has been actioned to resolve our issues. It's a shame that this situation has escalated and that we have to go down this formal route. We wish that the pub would've acted on our concerns when they were raised in early 2023. The developer, Dominus, the pub's regional manager and our service management company, Ringley, were all aware of our concerns.

Objection Representations for The Fox Review

OP1 Representation

I am writing on behalf of Southgate District Civic Voice to raise concerns regarding a possible removal of the entertainment license for *The Fox Pub 413 Green Lanes, London N13 4JD*.

We would like to remind the committee that The Fox was the subject of Enfield's first Asset of Community Value (ACV) submitted by us. The ACV approval was based on the acknowledgement that this pub is an iconic building and has acted as a focus for local community activity and as a long-established entertainment venue. The ACV was also a material consideration in the redevelopment planning decision.

We are concerned that removal of the license would jeopardise the pub's ability to remain a community hub and provide the space clearly indicated in the planning approval.

However, we recognise that there seem to be some issues around the construction and understood that all aspects of noise should have been resolved before any of the new flats were sold. We would therefore request that the Committee investigate the full history of this site and assist the pub and the community it serves to resolve the situation rather than removing the license and thereby removing this asset which this community fought to retain.

OP2 Representation

Please accept these comments as representation on this case.

This review poses a problem in decision making for the licensing sub-committee as there appears to be merit in both addressing complaints from residents living close to the public house, and from the views of the wider community supporting the value of the venue. Residents living in close proximity must have reasonable protection from noise, but it must be acknowledged that the public house was reopened as an asset of community value following the site redevelopment, as an integral part of the development.

As I understand it the decision included conditioning that;

This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am - 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm - 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm - 7am. The approved mitigation scheme shall be implemented in its entirety before any of the

units are occupied/the use commences. Reason: To protect future residents from noise and disturbance.

I am unclear whether this has been adhered to and whether it was inspected after the redevelopment was completed.

While this licence review is not being considered by a planning committee the protection for future residents is enshrined in the conditions imposed by the planning authority. I am unclear whether they have been adhered to in construction.

In all events an analysis of the soundproofing and any necessary mitigation arising from failures, if they exist, could offer a positive way forward for all parties. However the immediacy of the sub-committee meeting probably works against all the relevant parties being able to resolve these issues. That is unfortunate. Any long term solution in the interests of community use and for the comfort of adjacent residents is likely to necessitate a review of the soundproofing currently in place.

Cllr Taylor

Ward Councillor

OP3 Representation

As residents of Palmers Green for over 40 years, and nearby neighbours of The Fox, we would like to make the following comments opposing the above.

Your concern is solely the effect of live music on the adjacent flats. As residents in Old Park Road we have never heard any music emanating from The Fox, though we regularly hear music of significant volume from Broomfield Park, notwithstanding any efforts to lessen this. We have never objected to this as we consider it is providing shared pleasure for the local community. No-one has sought the local community's opinion on the current level of noise from these events, but I would assume that most people would think it a price worth paying for the common good.

We were in the Fox just before Christmas listening to vigorous interactive carol singing organised by the vicar of St John's church and supported by the landlord. It was a joyous occasion but one that presumably is now endangered. We are old enough to remember the bad days of previous Fox landlords and the worry we had about our children returning from there. No such doubts exist now - it has become a community hub, with music playing a large part in that.

If, as has been reported, complaints have been made by flat-owners about the noise coming from [REDACTED] and general conversation, one does wonder about the level of sound-proofing provided by the builders and signed off by the planning department prior to the occupation by this landlord. They were not the original planned occupants and advertisements were placed for a landlord in the windows of the empty Fox building. What would be the situation had they not come forward. Whatever the situation, it appears the current landlord is being made to pay for mistakes not of his making, and that the complainants have not thought through the implications of buying a flat adjoining a public house.

OP4 Representation

I wish to make a representation on the decision of Enfield Council to "disapply the automatic entitlement of regulated entertainment."

As a member of the local community, I am concerned that this infringes the status of the pub as a designated "asset to the local community" - the first building in the borough to be accorded this role.

The formalisation of the importance of this pub in the community was based on the existence of a community room which existed in the old building before it was "resized". The designation of the Fox as a community asset must have been an integral part of the planning process permitting the construction of the current building.

The permit of "regulated entertainment" should be inherent in the designation "community asset"

OP5 Representation

I wish to add my support for the Fox Hotel its the best thing that has happened in our area for such a long time, it has given the area a boost in uplifting the area that needed a boost as the high street was dying and is still dying, two pubs have closed in the area since we have been in the area and the Wetherspoons pub is also to close.

So many pubs have closed leaving the high streets empty, the Fox have brought people from all over the surrounding areas bringing business not only for the Fox but to nearby businesses.

If anyone is at fault its the developers of the Fox because originally there should have been three three bedroom flats and it would have been for families, but instead it was changed I believe to five two bedroom flats as to be easier to rent.

They knew that the Fox would have music and entertainment, it was part of the agreement to keep the entertainment space for the community, but as always cutting corners to increase their profits they did not install any soundproofing between the pub and the flats above, they should be made responsible for this and install at their cost the soundproofing that should have been installed from the beginning, so that not only can the residents sleep at night but that patrons can have an enjoyable time knowing that they are not disturbing anyone.

I hope that an amicable solution can be found so that we can continue to enjoy the best thing that has happened in the area for a long time and the residents have nothing more to complain about.

Hoping for a quick solution.

OP6 Representation

I was surprised that the new residents in the new block of flats next to the long established and popular Fox pub discovered that a pub might be noisy.

This cannot be seen as a surprise or something hidden from someone buying an apartment next to it. How could they not know?

Palmer's Green high street has lost its toy shop, its bookshop, and Amy's DIY shop is due to close.

Do we want anything here other than pound shops, slot machine emporia and betting shops?

The Fox provides popular family entertainment. Taking its music licence away would be another blow to our already struggling Palmer's Green high street.

There is also a sense of miserablism, a sort of kill joy atmosphere around this whole suggestion.

OP7 Representation

The people who have bought the flats were fully aware that The Fox was a music venue when they purchased. If the developer has carried out a shoddy job in sound proofing it should be up to them to remedy. I think it's completely appalling that The Fox might lose its licence

OP8 Representation

I strongly object to the possible revoking of the Fox Pub's entertainment Licence. If the owners of the flats have a gripe, they should take it up with the developers who built them.

This pub, an important part of Palmer's Green's history was there long before the flats and appropriate action should have been taken by the developers AND the Council planning department to ensure sound proofing was adequate.

As for the owners of the flats, it's like buying a house on the north circular road and then complaining about the traffic.

Please ensure this pub thrives by continuing to issue their entertainment licence.

OP9 Representation

I am writing to express my dismay at the decision to suspend the license at the Fox. Almost inevitably this will result in the closure of the pub itself and the loss of the best community asset in the entire area by far.

It's clear that the fault lies not with the pub management who are the innocent party in all this. The fault must lie with multiple agencies with the council in a position to influence the final outcome. Fault lies with :

The developers for design and financing issues.

Contractors for shoddy workmanship. It has been common knowledge for years that built quality was abysmal.

The council for approvals, poor inspection and building control

The owners for buying flats above a pub (what did they expect!)

The surveyors for not advising the buyers correctly.

Once again local residents suffer through complete incompetence and greed. Most galling we now read another xxxxx and another gambling venue will be added to our high street in the weeks ahead. Neither provides anything of value to the community. Residents who live in the area are sick of it and hold the council responsible.

It's time for the council to step up and show some metal before Palmer's Green gets completely ruined. The council must maintain the council and take steps for the developers to compensate the owners of the properties either through reimbursement and compensation or rehousing and rectification.

Removing the license is a simple solution but not the right one.

OP10 Representation

I strongly object to the proposal to revoke the licence to play live music.

The residents knew what they were buying into when buying the flat, the onus was on their lawyers and surveyors to inform them during 'discovery'. If it a failure of the developer and builder then their insurers must pay for restitution work. It also might be a failure of Building Control to properly inspect this development by Dominus which took an inordinately long time.

OP11 Representation

I support live music at The Fox, N13. The performances by a range of artists have many benefits including bringing the community together, supporting the night-time economy, providing opportunities for local artists and bringing life and music to an area where there is clear demand. Please renew the Premises Licence Thanks.

OP12 Representation

I am making this representation as a Palmers Green (PG) resident of approaching forty years, one whose rear garden looks onto the Fox and additionally with experience as the current chair of the Palmers Green Ward Panel / CAPE.

It touches on: the four licensing objectives; experience of the current management; plus wider aspects I consider the committee may choose to be mindful of before any final decisions are taken.

The Fox

Over the course of many years of voluntary activity I have been requested to lead numerous walk-about outlining PG town centre, to eg Cabinet Members, Directors, an Assistant Director and two Interim Heads, with titles spanning the likes of regeneration, planning and property. In every case The Fox was highlighted as “bookending” the northern end of our high street. It is locally highly significant. As the Planning Committee report of 10 April 2018 said, “The existing pub building could be described as a landmark building within Palmers Green, and its architectural value, and contribution to the townscape is recognised by its designation as a locally listed building.”

Licensing Objectives

The officer’s report is clear in that there is a stated intolerable level of noise disturbance, including from normal and other fully anticipatable sources, including references made to [REDACTED] and unamplified conversation.

That and any other noise has not travelled as far as my property, nor, as CAPE representative of this street with over one hundred linked Whatsapp members, can I report that there is wider evidence of any issue. The problem(s) therefore appear to be relatively highly localised.

Such localised impact is supported by a survey undertaken in late 2023 as part of the UK wide Local Motion initiative, where Enfield is one of six national sites. It saw over 600 PG responses highlighting problems and issues. Not one of the 21 pages of the summary of comments references any issue linked to The Fox.

While the noise issue may be highly localised, The Fox’s footprint in PG conversely means that its impact in the community is significant.

Eyes and physical presence on the street are now acknowledged as a crime mitigating tactic and strategy. As a local example, increased volunteer presence and associated activity in Broomfield Park has been highlighted by the chair of the friends

as noticeably reducing the public nuisances, and potentially crime and public safety linked issues of ASB and littering.

At a recent CAPE a lead voice of the Palmers Green Action Team, a substantial (70+ member) voluntary group focused on the high street, in response to one problem recommended a focus on encouraging people into the area as a means of mitigation. Late in 2023, senior police attended the CAPE in response to a series of overnight business burglary incidents arranging a special operation drawing resource from nearby wards and central teams to resolve the matter. This serious problem was occurring when high street eyes and physical presence were at a minimum.

It is in that vein that a local business with the scale and presence and footfall generation of The Fox brings wider licensing- objective benefits, albeit, it could be argued, intangible ones, to the matters of:

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance

The fourth licensing objective is the protection of children from harm.

Having heard from the Young Mayor and Deputy Young Mayor about (adverse) street safety, this CAPE has been seeking mitigating actions. Subject to final agreement this will take the form of a ward-wide use of the CHIP charity scheme whereby retail outlets are checked and then approved to act as sanctuary to young people in need. The Fox is on that initial list.

It is acknowledged none of these are solutions to a [REDACTED] and wider noise problem, and nor is it for the committee to consider a balancing decision versus various benefits, but nor can decisions be seen as occurring in a vacuum. There will be wider implications.

Current Management

It is many years since I watched from my rear window the red emergency helicopter land in The Fox car park. Extraordinarily impressive as that was, those days, including the associated incident tent erected nearby on the high street, are long gone.

A period of pre-redevelopment decline under the previous manager has now seen an extraordinary blossoming under the post-redevelopment, new management team. The Fox is now a community hub while additionally bringing the type of diversified high street and nighttime economy that forms the heart of Enfield's pre-publication Reg 19 Local Plan as it applies to district town centres.

The new management team have been proactive in their community support, both to local businesses, in hosting business association meetings, and residents, in hosting residents' association meetings. Beyond that they stepped in to offer hosting of CAPE meetings when the long-standing venue was unable to continue. I should also add they attend as a full member of CAPE and have to date brought noticeable added value, in one case resulting in specific police action.

Last year an outstanding floral display running the length of the property for many months led to my wife, an RHS Chelsea Flower Show judge, recommend they apply to the 2024 Enfield in Bloom competition. That suggestion is to be taken up. They brought brightness to the public realm.

You cannot buy such community support and added value, and like any freely given goodwill it is inevitably vulnerable to anything other than very careful handling. My experience of almost one year is that the team have been extremely good community citizens. It is a widely held view, in my understanding, where my experience is used by the MPS “to provide the feedback on behalf of the community.” This is succinctly summed up by one spontaneous comment made by a local resident:

I love going to The Fox I feel safe if I'm waiting for the other half, James & Podraig are so lovely trying to make it a community pub with events for everyone
You don't find many pubs like this in London now

Other Related Matters

Well before planning permission for The Fox's redevelopment was granted, Supplementary Planning Guidelines (SPG) to the 2016 London Plan were issued (November 2017). These were later subsumed into the 2021 London Plan and in substantial order are represented in Enfield's pre-publication Reg 19 Local Plan.

Without wishing to burden the committee with countless policy and policy supporting references, although they may choose to familiarise themselves with them, the 2017 SPG Executive Summary adequately captures the direction of related policies as follows:

- PROTECTING PUBS Many pubs are valued cultural and recreational assets and boroughs should manage, improve and retain pubs where there is evidence that the pub is a viable and needed community asset.
- AGENT OF CHANGE Development proposals should seek to manage noise without placing unreasonable restrictions on development. They should also not add unduly to the costs and administrative burdens of existing businesses. Acoustic and other design measures should be used to mitigate noise and other impacts. There should be no prospect of unreasonable neighbour complaints, licensing restrictions or threat of closure. (My underscoring)

In May 2015, again well before planning permission was granted, The Fox was granted Asset of Community Value (ACV) status; the first in the borough.

- “The Council agreed that the facility promotes community cohesion, hosts public events and involves the voluntary sector, and it is realistic to think that there would continue to be social use of the building in the future. The activities held at the venue are considered to be of benefit to the local and wider community.”

The application revealed the ACV status being centred around The Fox's then use of a flexible function room, one used for the full range of activities. In my own experience this included (amplified) live music, film, dance, comedy, theatre as well as council and local meetings and consultations on various matters.

The continuation of a flexible function room within the redeveloped site became a matter of the report to the Planning Committee (April 2018). This contained many references but in short:

- “Officers give significant weight to the replacement flexible function room”

And thereafter into the planning permission itself (June 2018):

- “The flexible function room within the A4 pub unit as illustrated on”
- “Reason: To ensure compliance with DMD policy DMD17 and the relevant London Plan policies”

By this stage of the timeline it is clear that The Fox is a community-valuable and community-valued asset and that such assets are substantially protected in planning. Enfield council acknowledged this and sought to ensure such a position continued.

It is reasonable to assume that a previous flexible function room, being continued as a flexible function room into the redevelopment, will be employed for an equivalent range of uses, specifically to include amplified live music. And given such a background the PP variously sought to protect residential amenity and future residents from noise and disturbance:

- 21 The development shall not commence until an updated noise impact assessment of the external facades of the development based upon the report prepared by ACP dated November 2017 demonstrating the development's compliance with acceptable internal noise levels in accordance with BS8233:2014 (or any subsequent replacement) has been submitted to and agreed in writing with the Local Planning Authority.

Reason: To ensure acceptable residential amenity.

- 26 The pub and commercial unit hereby approved shall not be occupied until details of the acoustic performance of any plant and extracts and an appropriate scheme of noise mitigation has been submitted to and agreed in writing by the Local Planning. These details should include a specification of flue extractors proposed including details of the odour emissions and sound emissions from the extractor.

Reason: To ensure acceptable residential amenity.

- 30 The development shall be constructed/adapted so as to provide sufficient air-borne and structure-borne sound insulation against externally generated noise and vibration as recorded by the submitted Acoustic Consultancy Report date 22nd November 2017. This sound insulation shall ensure that the level of noise generated from external sources shall be no higher than 35 dB(A) from 7am - 11pm in bedrooms, living rooms and dining rooms and 30 dB(A) in bedrooms from 11pm - 7am measured as a LAeq,T. The LAF Max shall not exceed 45dB in bedrooms 11pm - 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development taking place. The scheme of mitigation shall include mechanical ventilation where the internal noise levels exceed those stated in BS8233: 2014 with the windows open. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied/the use commences.

Reason: To protect future residents from noise and disturbance.

But as the Enforcements Officer's recent report makes clear, something nonetheless went tragically amiss.

- "The noise officers are of the view that the premises is not suitable for music other than only background level, at any time of day. The sound insulation in the building is simply not adequate. The music events are all advertised in such a manner, that they cannot be deemed incidental music. "

This suggests total failure of the borough's planning approval process.

Moreover, in undermining a non-incidental element of The Fox's business, there is a consequence that the business itself is put at risk with, in turn, significant implications for the wider PG community, because as the report to Planning Committee pointed out:

- This flexibility (referring to the flexible function room) is important for reasons of commercial viability.

The logical converse is that without it the businesses position may not be viable.

A circa 2000-person local petition seeking to save the Fox in its current form is testament to a local desire for what should have been the agreed position to remain as the status quo. However, the implication of the report to the Licensing Committee is contrary to where things should have landed.

London Plan 3.16 and Enfield Core Strategy DMD17 ensure the continuation of such a core piece of social infrastructure unless a replacement facility is available or there is no demand for the existing flexible function room. Neither scenario applies. Conversely, should it be argued the redeveloped Fox was not a continuation of the previous but instead represented a new establishment, then Enfield policy DMD32 2a and 2b rule that detrimental effects should not have been experienced by neighbouring residents or the local environmental quality as part of the development.

The Committee may decide it is appropriate to understand the full background, and not least what, if anything, can be salvaged from the situation and risks to the credibility of some of the core parties before proceeding towards a final decision.

OP13 Representation

I'm writing in respect of the situation at The Fox pub in Palmers Green. I have heard slightly conflicting views as to what is occurring, but understand that the music licence for the pub has been removed or suspended as a result of complaints from neighbours.

I understand that the agent of change principle has been introduced to address this particular issue as a result of a number of unwise and unnecessary closures of entertainment venues across the country in order to protect them from such concerns. In a time when we increasingly live online, and social and community facilities are fewer and further between despite denser developments and more people living in town centres, we need to hang onto these places, not close them

because people who were very aware of a music venue when they moved in complain about the music from the venue. (If only we could remove cars from town centre roads because of the noise they make...)

I was very pleased when the Fox was redeveloped with a space for entertainment, because the previous incarnation was a vibrant entertainment venue on the music and comedy circuit as well as acting as a community space for events and exhibitions (including Enfield's local plan, on occasion, and the community cinema club, Talkies). I lived in Palmers Green around the corner from the Fox, and now live in Winchmore Hill, but I still frequent the Fox, and was in fact in there last night watching the Darts final. I am also a songwriter and musician, and see the value in these small, local venues for nurturing talent and inspiring creativity in others.

The neighbours who have complained may have a point, but damaging a community asset by taking away a licence is short sighted and irresponsible. I would hope that a more sensible, negotiated outcome could be found which saves, preserves and improves this valued asset (even if they do insist on continuing with jazz nights).

I have copied in the Palmers Green MP and my own MP, who I would hope also object to Enfield Council's proposed action.

OP14 Representation

I am a resident of Old Park Road in Palmers Green. I was delighted last year when The Fox Pub started a jazz night.

The jazz night afforded me the opportunity to attend an event where socializing and meeting members of my community was possible. As I am a new resident this has been an important part of me feeling as though I am part of the community.

As I am sure you are already aware, the arts are incredibly important not only to the financial growth of a community but also for mental health.

Please keep the music at The Fox.

OP15 Representation

I am writing as I have seen the blue notice on the doors of the fox pub. I am a resident in the flats [REDACTED] and want to express that I have never heard noise from the pub. I feel it is a shame that one or two residents have complained and xxxxx. [REDACTED]

[REDACTED] If I am correct, I will not dispute the fact that they may hear noise where their flat is situated compared to mine. However, I have returned home numerous times quite late and there's never been any kind of disturbance from the pub, I walk past usually by 9-11pm when I come home and it's quiet. The weekends are busier of

course but that was surely to be expected when buying a property above a pub. It will not be silent.

However, the take away the license for entertainment in a pub which is so friendly and welcoming would be a disaster to the community of Palmers Green and to our building. I have formed relationships with neighbours in the building using the pub as a common ground and also they have hosted meeting for us residents with Dominus who have failed us as residents as well as I can imagine the pub.

To take away the license would have a detrimental impact on our local community as they do host events such as drag bingo which bring people together and is often a meeting place for friends and families.

I am not sure what one is supposed to say when sending their representations as the link posted on the blue signs doesn't work.

I hope however that as a resident my point of view will be taken into account.

OP16 Representation

Bambos Charalambous MP, see attached document for full representation.

BAMBOS CHARALAMBOUS MP
ENFIELD SOUTHGATE



HOUSE OF COMMONS
LONDON SW1A 0AA

BY EMAIL ONLY TO: licensing@enfield.gov.uk

FAO LICENSING – ENFIELD COUNCIL

I am writing in relation to Enfield Council's review of the premises licence LN/201900900 of The Fox Public House, Palmers Green N13 4JD.

I understand that there have been several noise complaints in relation to live and recorded music at this venue. I note that a noise nuisance abatement notice was served on 19 December 2023 by a Senior Licensing Enforcement Officer after officers had witnessed a breach of the statutory nuisance abatement notice.

I am concerned that the Review by the Licensing Enforcement Team seeks to apply a condition which would mean that regulated entertainment – live and recorded music, film screenings - was not permitted at any time.

The Fox management are deeply concerned that such restriction on their entertainment offer would very seriously impede their business and could challenge the continued viability of the business.

The Fox Public House is an historic and important venue in Palmers Green with a long history of providing entertainment, including music, comedy nights and film screenings. In 2015 it was the first local venue to be recognised as an Asset of Community Value.

Many local residents welcomed the reopening of The Fox in 2023 following extensive redevelopment. I understand that when The Fox site was redeveloped the retention of a community room in the pub was an integral part of the plan and it remains one of very few community spaces in Palmers Green. It is also available for community meetings, including CAPE meetings with the local police.

Since The Fox reopened the management have worked hard to provide a range of entertainment for the local community including giving opportunities to local musicians.

I do not seek to underestimate the impact that noise from The Fox is having on some of the residents of the new residential development attached to The Fox. However I do believe that a constructive solution needs to be found which is acceptable to all parties, one which will both allow the Fox to continue in business providing entertainment whilst mitigating the noise issues residents are facing.

The complaints from the residential development immediately raises questions of what noise mitigations were required when planning permission was sought for the residential

Tel: 0207 219 3460

Email: bambos.charalambous.mp@parliament.uk

Twitter: [@bambosmp](https://twitter.com/bambosmp) Website: www.bambos.org.uk

development which was attached to The Fox, what mitigations were actually put in place by the developers during construction and how that was monitored by Enfield Council as the construction progressed.

Effective oversight throughout would have been a benefit to residents and would protect The Fox against future complaints, bearing in mind that this venue has historically hosted entertainment and the community room was integral to its redevelopment.

I understand that one resident complained that they could hear the hand dryers from The Fox and that this was then witnessed by Enfield Council Officers. A comment is made in the review document that `poor sound level management and insufficient sound insulation` were contributing.

I would draw your attention to the `agent of change` principle introduced into the National Planning Policy Framework (NPPF) in 2018. In December 2023 the Department for Levelling Up, Housing & Communities published an updated National Planning Policy Framework. I would draw your attention in particular to paragraph 193:

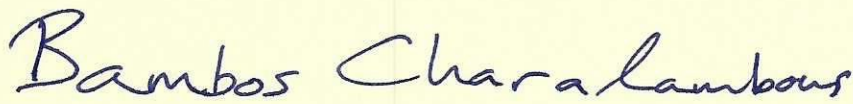
"Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed."

Nationally it is concerning that established entertainment venues are being threatened with closure due to complaints from residents of new developments. The decline generally in community and high street facilities is a cause of great concern. Preventing The Fox playing any music will impact upon its viability to operate and could mean that this will be another significant loss to Palmers Green high street and community, as well as denying many local musicians a venue in which to perform.

I acknowledge that the Licensing team have a duty to investigate issues of commercial noise nuisance and that residents must be able to live undisturbed.

However I do urge Enfield Council to address the problems faced by the complainants and The Fox by looking into the broader issues with a view to how the noise issue can be resolved other than taking a step which would risk closing an important and historic venue in Palmers Green.

Yours faithfully



Bambos Charalambous MP

Annex E

Section 182 Licensing Act Statutory Guidance, Revised December 2023

The full guidance can be found here:

<https://www.gov.uk/government/publications/explanatory-memorandum-revised-guidance-issued-under-s-182-of-licensing-act-2003>

Extracted sections relevant to this review and regulated entertainment:

16.1 Schedule 1 to the 2003 Act sets out what activities are regarded as the provision of regulated entertainment and when they are licensable and those activities which are not and therefore exempt from the regulated entertainment regime.

16.2 The descriptions of entertainment activities licensable under the 2003 Act are: (only included relevant information, not the exhaustive list)

- a performance of live music;
- any playing of recorded music; and
- entertainment of a similar description to a performance of live music, any playing of recorded music or a performance of dance.

16.3 To be licensable, one or more of these activities needs to be provided for the purpose (at least partly) of entertaining an audience; has to be held on premises made available for the purpose of enabling that activity; and must also either:

- take place in the presence of a public audience, or
- where that activity takes place in private, be the subject of a charge made with a view to profit.

16.6 As a result of deregulatory changes that have amended the 2003 Act, no licence is required for the following activities: (only included relevant information, not the exhaustive list)

- Plays: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.
- Dance: no licence is required for performances between 08.00 and 23.00 on any day, provided that the audience does not exceed 500.

- Films: no licence is required for 'not-for-profit' film exhibition held in community premises between 08.00 and 23.00 on any day provided that the audience does not exceed 500 and the organiser (a) gets consent to the screening from a person who is responsible for the premises; and (b) ensures that each such screening abides by age classification ratings.

- Live music: no licence permission is required for:
 - a performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
 - a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁵.
 - a performance of amplified live music between 08.00 and 23.00 on any day, in a workplace²⁶ that does not have a licence, provided that the audience does not exceed 500.

- Recorded Music: no licence permission is required for:
 - any playing of recorded music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500²⁷.

16.8 Of course, anyone involved in the organisation or provision of entertainment activities – whether or not any such activity is licensable under the 2003 Act – must comply with any applicable duties that may be imposed by other legislation relevant to the event (e.g. in areas such as crime and disorder, fire, health and safety, noise, nuisance and planning).³⁰ Any such person should take steps to be aware of relevant best practice, and may find responsible authorities a useful source of expert support and advice.

Live music

16.26 Live music is licensable:

- where a performance of live music – whether amplified or unamplified – takes place before 08.00 or after 23.00 on any day;
- where a performance of amplified live music does not take place either on relevant licensed premises, or at a workplace that is not licensed other than for the provision of late night refreshment;
- where a performance of amplified live music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where a performance of amplified live music takes place at relevant licensed premises, or workplaces⁵³, in the presence of an audience of more than 500 people; or
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act when imposing a condition on a premises licence or club premises certificate as a result of a licence review⁵⁵.

16.27 In any of the above circumstances, unless the performance of live music is appropriately authorised by a premises licence, club premises certificate or TEN,

allowing it to take place could lead to enforcement action and, where relevant, a review of the alcohol licence or certificate.

16.28 A public performance of live unamplified music that takes place between 08.00 and 23.00 on the same day no longer requires a licence under the 2003 Act in any location. An exception to this is where a specific condition related to live music is included following a review of the premises licence or club premises certificate in respect of relevant licensed premises.

16.29 As a result of the amendments to the 2003 Act, section 177 of the 2003 Act now only applies to performances of dance.

Key terms used in relation to live music

16.30 Under the live music provisions, “music” includes vocal or instrumental music or any combination of the two. “Live music” is a performance of live music in the presence of an audience which it is intended to entertain. While a performance of live music can include the playing of some recorded music, ‘live’ music requires that the performance does not consist entirely of the playing of recorded music without any additional (substantial and continual) creative contribution being made. So, for example, a drum machine or backing track being used to accompany a vocalist or a band would be part of the performance of amplified live music. The performance of a DJ who is merely playing tracks would not be classified as live music, but it might if he or she was performing a set which largely consisted of mixing recorded music in a live performance to create new sounds. There will inevitably be a degree of judgement as to whether a performance is live music (or recorded music) and organisers of events should check with their licensing authority if this consideration is relevant to whether the activity is authorised by a licence or certificate. In the event of a dispute about whether a performance is live music or not, it will be for the licensing authority initially and ultimately, for the courts to decide in the individual circumstances of any case.

16.31 A “workplace” is as defined in regulation 2(1) of the Workplace (Health, Safety and Welfare) Regulations 1992 and is anywhere that is made available to any person as a place of work. It is a very wide term which can include outdoor spaces, as well as the means of entry and exit.

16.32A “relevant licensed premises” for the purposes of this chapter is one which is authorised to sell or supply alcohol for consumption on the premises by a premises licence or club premises certificate. Premises cannot benefit from the deregulation introduced by the 2012 Act by virtue of holding an authorisation for the sale or supply of alcohol under a TEN.

Recorded music

16.33 No licence is required for recorded music where it takes place on premises which are authorised by a premises licence or club premises certificate to be used for the supply of alcohol for consumption on the premises. However, recorded music remains licensable:

- where the playing of recorded music takes place before 08.00 or after 23.00 on any day;

- where the playing of recorded music takes place at a time when the relevant licensed premises are not open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- where the playing of recorded music takes place at relevant licensed premises in the presence of an audience of more than 500 people; and
- where a licensing authority intentionally removes the effect of the deregulation provided for by the 2003 Act (as amended).

Plays and dance

16.34 No licence is required for a performance of a play or dance to the extent that certain qualifying conditions⁶² are satisfied. However a performance of a play or dance remains licensable:

- where the performance takes places before 08.00 or after 23.00 on any day; or
- where the performance takes place in the presence of an audience of more than 500 people.

Licence conditions

Live Music or recorded music

16.36 Any existing licence conditions (or conditions added on a determination of an application for a premises licence or club premises certificate) which relate to live music or recorded music remain in place, but are suspended between the hours of 08.00 and 23.00 on the same day where the following conditions are met:

- at the time of the music entertainment, the premises are open for the purposes of being used for the sale or supply of alcohol for consumption on the premises;
- if the music is amplified, it takes place before an audience of no more than 500 people; and
- the music takes place between 08.00 and 23.00 on the same day.

16.37 Whether a licence condition relates to live or recorded music will be a matter of fact in each case. In some instances, it will be obvious that a condition relates to music and will be suspended, for example “during performances of live music all doors and windows must remain closed”. In other instances, it might not be so obvious: for example, a condition stating “during performances of regulated entertainment all doors and windows must remain closed” would be suspended insofar as it relates to music between 08.00 and 23.00 on the same day to an audience of up to 500, but the condition would continue to apply if there was regulated entertainment after 23.00.

16.38 More general licence conditions (e.g. those relating to overall management of potential noise nuisance) that are not specifically related to the provision of

entertainment (e.g. signage asking patrons to leave quietly) will continue to have effect.

16.39 Chapter 9 of this Guidance sets out how a licensing authority must determine applications for a new licence or to vary an existing premises licence. Licence conditions imposed, in accordance with paragraphs 9.41 to 9.43, for live or recorded music activities will only apply if the activity meets the criteria of having more than 500 people present, and/or the activities are taking place between 23.00 and 08.00.

16.40 These conditions will, in effect, be suspended between 08.00 and 23.00 if a performance of live music or the playing of recorded music takes place before an audience of 500 people or fewer, but will remain on the face of the licence for when these activities may take place under other circumstances.

16.41 Where a performance of live music or the playing of recorded music on relevant licensed premises is not licensable, it remains possible for anyone to apply for a review of a licence or certificate, if there are appropriate grounds to do so.

Licence reviews: Live and recorded music

16.55 On a review of a premises licence or club premises certificate, section 177A(3) of the 2003 Act permits a licensing authority to lift the suspension and give renewed effect to an existing condition relating to music. Similarly, under section 177A(4), a licensing authority may add a condition relating to music as if music were regulated entertainment, and as if that premises licence or club premises certificate licensed the music. In both instances the condition should include a statement that Section 177A does not apply to the condition.

16.56 An application for a review in relation to relevant premises can be made by a licensing authority, any responsible authority or any other person. Applications for review must still be relevant to one or more of the licensing objectives and meet a number of further requirements.

Incidental music

16.57 The performance of live music or playing of recorded music is not regulated entertainment under the 2003 Act if it is 'incidental' to another activity "which is not itself a description of entertainment falling within paragraph 2" of Schedule 1 to the 2003 Act.

16.58 The incidental music exemption can apply to an indoor sporting event or a performance of a play or dance for which no licence is required, as it takes place between 08.00 and 23.00 on the same day and before an audience which does not exceed the relevant limit. This is because such an activity is no longer a description of entertainment within the meaning of paragraph 2 of Schedule 1 to the 2003 Act. This means that, while a performance of live music or the playing of recorded music

cannot be incidental to a boxing or wrestling entertainment⁷⁶ such music may be within the scope of the incidental music exemption for an indoor sporting event or performance of a play or dance for which no licence is required.

16.59 Whether or not music is “incidental” to another activity will depend on the facts of each case. In considering whether or not live or recorded music is incidental, one relevant factor could be whether, against a background of the other activities already taking place, the addition of music will create the potential to undermine the promotion of one or more of the four licensing objectives of the 2003 Act. Other factors might include some or all of the following:

- Is the music the main, or one of the main, reasons for people attending the premises and being charged?
- Is the music advertised as the main attraction?
- Does the volume of the music disrupt or predominate over other activities, or could it be described as ‘background’ music?

16.60 Conversely, factors which would not normally be relevant in themselves include:

- the number of musicians, e.g. an orchestra providing incidental music at a large exhibition;
- whether musicians are paid;
- whether the performance is pre-arranged; and
- whether a charge is made for admission to the premises.

16.61 In any disputed case, it will be for the licensing authority initially and, ultimately, for the courts to consider whether music is “incidental” in the individual circumstances of any case.