

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 17 JULY 2024**

COUNCILLORS

PRESENT Mahym Bedekova (Chair), George Savva MBE and Chris Dey

OFFICERS: Ellie Green (Licensing Team Manager), Esther Hughes (Head of Service - Consumer Protection & Waste Enforcement), Victor Ktorakis (Senior Environmental Health Officer), Balbinder Kaur (Legal Adviser), and Harry Blake-Herbert (Governance Officer)

Also Attending: Police Representatives (Derek Ewart, and Francis Peters), member of the public/ local resident and other parties (OPs 2 & 3), Stavroulla Tsakou (Premises Licence Holder (PLH)), Neoclis Panayiotou (Designated Premises Supervisor (DPS)), Alex Paphiti (Interpreter), and press

1 WELCOME AND APOLOGIES

The Chair welcomed everyone to the meeting. There were no apologies received.

2 DECLARATIONS OF INTEREST

There were no declarations of interest received regarding any item on the agenda.

3 ACCRO, 6 ASHFIELD PARADE, LONDON, N14 5AB

NOTED

1. The introduction by Esther Hughes, Head of Service - Consumer Protection & Waste Enforcement:

- a. The sub-committee were to consider a review application and a transfer application relating to the premises known as Accro, located at 6 Ashfield Parade, London, N14 5AB, in Southgate ward.
- b. Accro's premise licence permitted a number of licensable activities including on and off sales of alcohol and regulated entertainment until midnight latest under the normal use of the licence. The licence also had a provision for extended hours until 2:00am latest for pre planned events such as hiring out the venue for birthday parties. The full hours and activities permitted can be seen in the report.
- c. The Licensing Authority submitted this review application on 23 May 2024 in response to the significant number of noise complaints received, as well as the significant number of statutory noise nuisances

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witnessed by council officers, in relation to the premises. It was felt that the prevention of public nuisance licensing objective was being undermined. The Licensing Authority also lacked confidence in all persons named on the licence and those managing the premises. Full revocation of the premises licence was sought. A copy of the full review application, supplementary information and exhibits can be seen in the report.

- d. The PLH and DPS at the time the review was submitted was Mr Neoclis Panayiotou. Shortly after the consultation for the review application closed, a transfer application was submitted on 25 June to the Licensing Team, naming Ms Stavroula Tsakou as the new premise licence holder with immediate effect. No application to vary the DPS had been submitted, so the position was still held by Mr Panayiotou.
- e. Ms Tsakou had been active at the premises whilst the complaints and noise nuisances were witnessed, therefore the review was still deemed to be relevant after the transfer application.
- f. The Police had objected to the transfer application and supported the review application. Their representation can be seen in the report.
- g. As there was an overlap of information for the review and transfer, it was appropriate to hold the hearing for the two applications simultaneously.
- h. Despite the objection to the transfer, the PLH was confirmed as Ms Tsakou, unless the Licensing Sub-Committee (LSC) determined that the transfer application be refused, in which case the PLH position would revert back to Mr Panayiotou, if the licence was not revoked. The outcomes of each application should be made clear by the LSC in their decision. If the licence were revoked, as was the recommendation of the Licensing Authority, there was effectively no licence to transfer.
- i. Three Other Parties (OPs) supported the review application, with a view to revoke, namely local residents and businesses who had experienced noise nuisances and issues from the premises. Their representations can be seen in the report and supplementary papers. Two representations were provided in support of the licence holder, one of these representations was received by Ms Tsakou prior to the transfer application. These could also be seen in the report.
- j. Once the transfer application had been made, Ms Tsakou submitted an additional representation in response to the review from her position as premise licence holder, which can be seen in the report.
- k. Should the LSC be minded not to revoke the premise licence, conditions and amended times had been proposed by the Licensing Authority, these can be found in the report.
- l. Those in attendance were introduced, the proposed order in which verbal representations would be heard was outlined, and the amount of time parties would have to speak was detailed.
- m. Mr Alex Paphiti was present as Ms Tsakou's interpreter. She had been advised to seek legal representation, but Ms Tsakou had advised that she could not afford this.

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- n. There had been no written response or communication to the Licensing Team by Mr Panayiotou, although he had been advised that if the transfer was refused and the licence not revoked, the licence would still be his responsibility, and therefore recommended that he attend the hearing.
- o. No correspondence had been received from OP1 or SUP1, and it was now known that SUP2 was the licence holder Ms Tsakou.

2. Ms Green, Licensing Team Manager, made the following statement:

- a. The Licensing Authority had brought this review of the Accro premise licence for a number of reasons.
- b. The premise is a small restaurant and music bar situated in Ashfield Parade in Southgate. It is located in a commercial parade with residential flats above the businesses.
- c. The first noise complaint which came to the attention of the Licensing team was in December 2023; loud music was emanating from Accro shortly after 11:00pm. The complaints to the out of hour Noise team started becoming a regular occurrence, with a least 4 different local residents reporting loud music from parties at Accro and that this was taking place routinely between 11:00pm and up to 4:00am. This was after any permitted time on the licence, whether for the general public or pre-planned events.
- d. Noise officers had regularly attended the premises and met with Mr Panayiotou. This had been followed up with advisory communication between the Senior Environmental Health Officer and Mr Panayiotou, which had been documented in the application. Mr Panayiotou had advised that soundproof installation at the front window was going to take place.
- e. Between 16 December 2023 and 4 April 2024, the council had received 12 complaints about Accro whilst Mr Panayiotou was in charge, and officers had advised him on 8 separate occasions. The first statutory noise nuisance from loud music was witnessed on 6 April 2024 when Ms Tsakou was the manager in charge of the premises, but the statutory noise abatement notice was served on Mr Panayiotou, as he was the PLH at the time. Further interventions and warnings were given to Mr Panayiotou by officers in an attempt to address the noise issues, including a warning of this licence review. However, the noise complaints continued to escalate, with at least 35 complaints at the time that the supplementary information was provided to the review, and more had continued to be received even with the hearing pending. The complaints had led to officer interventions and advice to both Mr Panayiotou and Ms Tsakou on at least 20 occasions. Most significantly, 4 different Noise officers had witnessed a total of 8 statutory noise nuisances emanating from Accro. A noise abatement notice had also been served on Ms Tsakou, and this noise abatement notice had been breached. This case was the highest number of noise nuisances that the Licensing team had seen. The timings of the statutory nuisances

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ranged from 23:44 to 02:44am, which showed a continued breach of hours.

- f. Breaches of licence conditions such as condition 10, undertaking and recording noise checks had not been demonstrated. Also condition 16, the licence holders never informed the Licensing Team in writing of their intention to use their extended hours 7 days before any such event, which was required to be permitted to use the extended hours for any pre-planned event.
- g. More non-compliance of the owners was shown in the evidence of customers being permitted to smoke on the premise, which was an offense under the Health Act 2006.
- h. Reports of anti-social behaviour of customers outside the premise had also been noted, which also caused a disturbance to local residents.
- i. Both Mr Panayiotou and Ms Tsakou had consistently ignored officers' advice and not taken sufficient steps to address the noise complaints. It was affecting local residents, and the level of non-compliance could not go on.
- j. There was no confidence in either party in operating a business within the restraints of the licence, and they had been given plenty of opportunity/ chances to amend their ways.
- k. Despite some attempts at noise attenuation, they had been unsuccessful and demonstrated that the venue was not an appropriate place to play any music above background level.
- l. Ms Tsakou's comments had been read and her comments that she was surprised about the review and unaware of the complaints, were respectfully disputed. The review application clearly documented the number of times that noise officers had spoken to her directly at the premise when dealing with noise complaints, and she had been party to subsequent advisory meetings and emails.
- m. Although Ms Tsakou had attempted to transfer the licence, there had not been a vary DPS application, so Mr Panayiotou was still the named DPS.
- n. Taking all this information into account, it demonstrated that the licensing objectives were being repeatedly undermined, and in line with the council's policy and statutory guidance with regards to noise nuisance, revocation was deemed the most appropriate outcome.

3. In response, the following questions and comments were received:

- a. Mr Paphiti expressed that of the times in which officers spoke to Ms Tsakou, on two occasions she had been asked to soundproof the glass at the front of the premises, then a window on the ceiling which they also fixed but again seemed not to be enough. Ms Tsakou was described as having done everything she could and being willing to do whatever it took to make the business work. The other occasions in which officers spoke to her they suggested that she turned down the volume, and she did so. With regards to sound checks, Ms Tsakou had done these as had Mr Panayiotou. Ms Tsakou also had a sound

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monitor which shut down the music when it went above a certain level. The sound proofing had not been enough, and she intended to do more. They were not aware of the Police having ever visited the premises. Ms Green highlighted that there had not been any questions asked but responded to the comments made. Ms Green conveyed that the review application had been submitted in May. The licence holder had had 2 months to make the appropriate noise assessments, and there were other straightforward measures, such as keeping the music down and not having late night events, which could have been taken if the soundproofing hadn't worked. Mr Ktorakis added that the noise abatement notices only asked that the noise nuisance be abated, they did not request soundproofing. Mr Paphiti replied that the noise abatement notice came after the request for sound proofing. Mr Ktorakis responded that there had never been a request from the council for soundproofing and this was not something they ever did, it was up to the licence holder to take the necessary measures to prevent nuisances. Soundproofing had been offered by Mr Panayiotou when the complaints first started coming in.

- b. Mr Paphiti, translating for Ms Tsakou, relayed that she felt as though it was the council's intention to take the licence away, regardless of her intentions or efforts to fix the issues. The legal adviser explained that it was not a pre-determined decision, the hearing was for the LSC to consider the evidence and representations of all parties then make a decision. The PLH would be given the opportunity to make their representation. Mr Paphiti was reminded that he was present in the role of an interpreter only. Mr Paphiti said that he had spoken with Ms Tsakou before the hearing, he was not making his own representations, but relaying the pre-arranged/discussed comments of Ms Tsakou.
- c. The Chair asked if Ms Tsakou understood what officers had said given that Mr Paphiti had not translated their representations. Mr Paphiti replied that she did not understand fully, but was aware of what was going on, they had read and discussed the information in the report together beforehand.
- d. Ms Tsakou queried, through her interpreter Mr Paphiti, how she was being blamed for things which took place prior to her being at the premise. Ms Green responded that it had been made clear the dates when Mr Panayiotou had been in control of the premise and the first time Ms Tsakou was seen to be in charge of the premise. All of the complaints were relevant in case the transfer application was refused, and the licence reverted back to Mr Panayiotou. Mr Ktorakis clarified that Ms Tsakou had identified herself to officers as the manager on 6 April.
- e. Cllr Dey highlighted that there had not been a request to vary the DPS and so queried why Ms Tsakou felt the information provided regarding issues at the premises when Mr Panayiotou was in charge were not relevant. Ms Hughes and the legal adviser interjected Mr Paphiti's reply to remind him that he was present solely in the capacity as an

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interpreter, that he should be translating for Ms Tsakou only, and not answering of his own accord. Ms Tsakou responded through Mr Paphiti that she was the manager, but Mr Panayiotou was responsible for the sale of alcohol and licensing objectives. She did not understand why she was being blamed for the issues and not the DPS.

- f. Ms Hughes enquired if Ms Tsakou needed everything translating. Mr Paphiti advised that she did, that she understood most of what was being said but there was some terminology that she didn't understand and so would like to be told what was being said; she could speak a little bit of English. Mr Panayiotou asked, as he was more familiar with the licence and premise, if he would be allowed to speak and sum up what was being said. The legal adviser responded that this would not be permitted, as Ms Tsakou had her interpreter. Ms Hughes suggested that the Police read their representation a couple of sentences at a time so that the interpreter could translate for Ms Tsakou. Questions were to be asked at the end of, not during, the representation and the time the Police had to speak would be stopped and started each time they paused for the interpretation.
- g. Mr Paphiti expressed that he felt the legal adviser was responding aggressively to him. The legal adviser conveyed that there were legal procedures which needed to be followed and reiterated that Mr Paphiti's role as interpreter was only to translate what was being said, not act as a representative for Ms Tsakou as he had been doing. She was not being aggressive, it was her job to bring proceedings into order.

4. Mr Ewart, Police Licensing representative, made the following statement:

- a. He advised that if it helped, he would be making reference to the Police's written representations which started on page 87 of the bundle.
- b. The first of their representations was in support of the Local Authority's licence review application submitted on 23 May 2024. The PLH at the time was Mr Panayiotou, he had also been the named DPS since 9 December 2016.
- c. The supporting representation and review were brought under the licensing objectives of prevention of public nuisance and prevention of crime and disorder. The Police had been informed from the Local Authority that the public nuisance licensing objective had been undermined on a number of occasions; from the Police's point of view 5 times, whereby 5 statutory noise nuisances had been observed by officers. The legal adviser asked that Ms Tsakou and Mr Paphiti wait until after the Police had finished giving their representations before asking questions.
- d. Noise abatement notices had been served and subsequently breached, as had been detailed in the Local Authority's representation. There had been several complaints of noise, including music and antisocial behaviour, received from local residents, all of which had been caused by the irresponsible running of the premise, who fail to consider the

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local community and residents in the near vicinity. The most recent census of 2021 showed that Ashfield Parade had 147 residential properties, comprising of 112 flats and the rest were terraces and residences in commercial buildings. Within these premises resided a minimum of 376 residents. There were other licensed premises within the vicinity, but none with terminal times as late as Accro.

- e. The Police had heard about the 21 complaints to the Local Authority regarding the premises from December 2023 to 22 May 2024, consisting mainly of disturbances to residents by loud extended playing of music in the early hours. Additionally, a search of Police indices had shown noise complaints that had come to the Police for a response, which consisted of loud parties and disturbances coming from the premises, and 2 smoking breach regulations. On 10 February 2024, it was observed by Police that patrons were smoking within the premises, in breach of smoke free regulations. On Monday 11 March 2024 the Police Licensing Team had cause to email Mr Panayiotou, warning him that in the past 2 weeks Police received reports of live music events occurring on Friday and Saturday nights, lasting until 5:00am and 6:00am and on Sundays until 2:00am, a copy of this was available in the report. It mentions that Mr Panayiotou was reminded of the licence conditions, namely that live music could only be played until the terminal time of 1:30am on Fridays and Saturdays, and 11:30pm on Sundays, on pre-arranged event nights only.
- f. After further comments from Mr Paphiti, Ms Hughes reiterated that he was present as Ms Tsakou's interpreter only, and that there was too much conversation taking place. The Chair questioned when Mr Paphiti found out that he would be interpreting at the hearing. Mr Paphiti said that it was 2 days ago, that he had sat with Ms Tsakou and gone through the report with her. The legal adviser asked that Mr Paphiti translate the paragraph from, Monday 11 March 2024, in the written representation to Ms Tsakou.
- g. Mr Ewart continued that in respect of crime and disorder, on 26 May 2024 at 2:38am a call was made to Police stating that 10 people were fighting at the location into the street. The call described Eastern European white males punching and kicking each other. A second call came in at 2:41am, saying 20 people were fighting in the street, this required a Police response. It was clearly therefore their position, in support of the local authority, that statutory nuisances on several occasions were apparent and there had been issues of crime and disorder as a result of the poor management of the premises.
- h. The legal adviser highlighted that as there were two separate applications, so the Police and the applicant had a second slot of 5 minutes.
- i. The second part of the Police representations was for the application to transfer the premises licence, which was submitted on 25 June 2024 by Ms Tsakou. The Police representation was in opposition to the premises licence transfer submitted by Ms Tsakou for the premises known as Accro. Ms Tsakou was applying to be the new PLH, taking over from

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Mr Panayiotou, who also acted as the DPS for the premise, and had done since 2016. This application comes in the shadow of licence review process submitted on 23 May, as had been made reference to. This representation was brought under the licensing objectives of prevention of public nuisance and prevention of crime and disorder.

- j. After further comments from Mr Paphiti, Ms Hughes once again reiterated that he had been told on repeated occasions that he was only present to interpret.
- k. Mr Ewart continued that the Police felt if the transfer was granted the objectives would be undermined further. Evidence had been heard that Ms Tsakou had been involved to a great extent in the daily running and management of the premise concerned. As evidenced by the review bundle, Ms Tsakou had been identified at the premises since 6 April 2024, and was there on the night that the first statutory nuisance was witnessed. Ms Tsakou identified herself as the new owner, the notice was served on the then PLH, Mr Panayiotou. Additionally, on 13 April 2024 when the second statutory noise nuisance was witnessed by council officers, Ms Tsakou was present and identified herself again as the owner.
- l. On 26 April 2024, local authority licensing enforcement had a meeting at the premise with the then PLH Mr Panayiotou, and Ms Tsakou who was dialled into the meeting and introduced as the new owner. Everybody present at the meeting was advised about noise and licensing concerns.
- m. On 27 April, the next day, another statutory noise nuisance, the third in total, was witnessed by officers, Ms Tsakou was present and identified herself as the owner. On 4 May 2024, statutory noise nuisance number 4 was witnessed, Ms Tsakou was present and again identified herself as the owner. On 9 May 2024 a noise abatement notice was served on Ms Tsakou. On 18 May 2024 statutory noise nuisance number 5 was witnessed, Ms Tsakou was present and identified herself as the owner. This was a breach of Ms Tsakou's noise abatement notice issued on 9 May, and a fixed penalty notice was issued to Ms Tsakou as a consequence. All of the statutory noise nuisances were a public nuisance which caused neighbours and residents in the near vicinity to lodge complaints.
- n. The applicant of the premise licence transfer had charge and operational responsibility for the premise currently under review at a time when 4 statutory noise nuisances had been witnessed by officers. Ms Tsakou had been served with a noise abatement notice, and subsequently breached that notice by allowing loud music to be played to the annoyance of local residents and to the witness of authorities. Ms Tsakou was given advice on each of the 4 occasions and was given advice in the noise abatement notice letter. She was also contacted on the phone to discuss issues associated with the operation of the premise, as previously detailed. Although the DPS had not changed, the Police held no confidence in the applicant as a PLH, to uphold the licensing objectives, given the premise was under review for poor

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management at the time the applicant was by her own admission in charge. It was therefore asked that the application for her to be PLH was rejected.

5. In response, the following questions and comments were received (each were translated for Ms Tsakou's benefit):

- a. Cllr Dey enquired what the Police felt the consequences of the removal of regulated entertainment would be. Mr Ewart responded that it was their opinion that the application to change the PLH was designed to muddy the waters because there was a review of the premise. Police indices had been looked at, there was evidence of crime and disorder, including people fighting as had been mentioned. If the LSC were minded to remove the regulated entertainment licensable activity, this would not negate the long-standing poor management of the premise and there would still be the consumption and supply of alcohol. Additionally, there had been evidence of smoke free regulation breaches and a disregard by the management practices in upholding the lawful dealings of the premises, so there was no confidence in licence holders, and the Police asked that the licence be revoked.
- b. Cllr Savva queried how the Police had communicated with Ms Tsakou. Mr Ewart replied that his sergeant had communicated with Mr Panayiotou via email and telephone calls in order to educate the premise prior to the need for a review hearing. There had been no suggestion that Ms Tsakou had not understood any communication with her.
- c. Cllr Savva asked if there had been instances of crime and disorder at the premise. Mr Ewart advised that there had been two calls regarding around 20 people fighting outside the premise in the early hours of the morning, which required a Police response.
- d. Cllr Dey questioned if there was evidence of alcohol being sold outside the hours permitted on the licence, in addition to noise disturbances. Ms Green said that she could not confirm either way, the officers who attended the premise at late hours were there for the purpose of noise only.
- e. Ms Tsakou queried through Mr Paphiti, out of the 360 residents, how many had complained. Mr Ewart responded that to the Police there had been at least 4 complaints, but he could not comment on how many had come to the Local Authority. Ms Hughes advised that Mr Ktorakis spoke Greek, and he was hearing conversation rather than translation, it was accepted that some words may be lost in translation, but the impression was that there was more advising and discussion than interpretation. Mr Paphiti was warned that he could continue if he would interpret only, or Mr Ktorakis would be asked to do the translations instead. The legal adviser added that Mr Paphiti was being given one final chance before Mr Ktorakis took over. Mr Paphiti questioned if Mr Panayiotou could be permitted to provide the translation. The legal adviser expressed that this would not be allowed.

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- f. Ms Tsakou asked through Mr Paphiti, if the fight took place in the shop. Mr Ewart responded that on 26 May 2024 at 2:38am a call was made to Police stating 10 people were fighting at the location into the street, Eastern European white males were described punching and kicking each other. A further call was received at 2:41am, detailing 20 people fighting in the street, some getting into vehicles, and this required a Police response.
- g. Ms Tsakou enquired through Mr Paphiti, why it was believed that the shop had anything to do with these instances. Mr Paphiti made further comments. Mr Ewart advised him that his behaviour was bordering on disruption. In answer to the question, Mr Ewart advised that he was relaying the indices and calls that had been received by the Police, he had not present, and could not confirm this; the evidence was as he had presented.
- h. Ms Tsakou questioned through Mr Paphiti, if any of the other businesses in the area were checked up on regarding the incident, as she believed that she was being blamed. Mr Ewart reiterated his previous answer. Ms Green added that there was no other premise in the area open that late. Furthermore, in reference to page 41 of the pack, there had already been a noise complaint received and a statutory noise nuisance witnessed in connection with the premise that night. Mr Ktorakis added that he was sent video footage of the incident, this had not been submitted as it would show the location of the person who provided it. It was clear from the footage that the people involved were Greek speaking. Given this and no other premise being open at the time, it was likely to be this premise, which was predominately Greek speaking. The legal adviser asked that Mr Ktorakis take over translating from Mr Paphiti. Mr Paphiti asked if he could, and was permitted to assist with one further question.
- i. Ms Tsakou queried through Mr Paphiti, if it could be confirmed when she had been spoken to about the issues. Mr Ktorakis corrected Mr Paphiti, and relayed that Ms Tsakou had asked who had spoken to her. The legal adviser said that the evidence had been provided in the pack. Mr Paphiti replied that he did not need to look in the report, and that the Police representative needed to answer his questions. The legal adviser responded that Mr Paphiti was present as an interpreter only, and needed to stop speaking in a rude and disruptive manner. The legal adviser explained that page 89 of the pack detailed that on Monday 11 March, Sergeant Dani Jones of the Police Licensing team had cause to email Mr Panayiotou, the dates and details of all incidents referenced by the authorities' representations were in the report. The legal adviser expressed that for ease of the proceedings it would be appropriate for Mr Ktorakis to take over from Mr Paphiti as interpreter. Mr Paphiti, translating for Ms Tsakou, conveyed that she did not feel they were being trusted. The legal adviser expressed that it was not a question of trust, the LSC had a set of procedures and policies which it had to follow. Mr Paphiti asked if it was possible to make the proceedings a little more informal/easier, to go through everything. Ms

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Hughes reiterated that Ms Tsakou and her colleagues had the report for some time, Mr Paphiti was only present as an interpreter and Mr Ktorakis would be translating from now on.

- j. Ms Tsakou asked through Mr Ktorakis, why the singer photographed was being accused of smoking when they were holding a phone. Mr Ewart replied that there was photographic evidence in the report pack on page 93, which showed two people smoking whilst on the dance floor, a singer had not been accused of smoking. Ms Tsakou said through Mr Ktorakis that she was not present at the premise at the time, so why was she being criticised. Mr Ewart responded that he was presenting Police evidence regarding breaches of regulations.
- k. Ms Tsakou enquired through Mr Ktorakis, if there was any confirmation of when officers had spoken to her at the shop, with reference to 11 March. Mr Ewart responded that the Police had not attended on this date, sergeant Dani Jones had sent an email to Mr Panayiotou, of which there was a copy in the bundle. Ms Tsakou asked through Mr Ktorakis, why she was being criticised for this when she wasn't at the premise at the time. Mr Ewart advised that she was not being criticised for this, it was a two part hearing, one regarding evidence for a review application, as the premise was not being run in a way that upheld the licensing objectives, and the second because there was an application for her to become the PLH, which the Police had objected to.
- l. The Chair asked that questions and comments not repeat/ go over already covered ground. Ms Tsakou expressed through Mr Ktorakis, that she understood the purpose of the hearing, but didn't know why her name was being brought into it. The Chair replied that the evidence provided by authorities was available in the report, and asked if the applicant had any further questions. Ms Tsakou said that she did not have anymore. Ms Hughes confirmed that the same process for interpretation would be used for the OP representation, as was for the Police's.

6. One of the OPs present made the following statement:

- a. When the premise opened as Café Nero, it had an ethos of community spirit, friendship, and a shared appreciation for Cypriot culture, none of this had materialised.
- b. Their tenant of 11 years had never complained about anything.
- c. In November, Accro took over Café Nero, and from that period, for 9 months, their tenant had suffered every weekend and weekdays from 9:00pm to 2:30, 3:00 and sometimes 4:00am, with loud music and noise spillage from people laughing and swearing.
- d. The premise had no soundproofing so consequently the noise, music, vibrations and talking would permeate into their tenant's flat all night and they were deprived of sleep causing them severe illness, stress and safety concerns for them and their child. During these 9 months, their tenant phoned the out of hours team to complain about the noise disturbance every weekend. Officers would come to their flat late at

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- night and early in the morning to take a report. Their tenant had accountancy exams and a young child taking their GCSE exams.
- e. This disruption had exposed their tenant and young child to the proprietors and customers of the premise, and they were fearful for their safety, in case there were any repercussions as a result of their complaints. This was an infringement on their tenant's right to peacefully enjoy their home.
 - f. The licence holders Mr Panayiotou and Ms Tsakou were issued licence breaches and noise abatement orders. However, neither individual had sought to comply with the terms of these orders and showed no intention of doing so. Mr Panayiotou and Ms Tsakou were acting outside the legal conditions imposed by the licence issued by Enfield council. They had no concern or sense of responsibility for the community as a whole, and were neither fit nor proper persons to be licence holders in any capacity. The licence to operate the premise should be revoked.
 - g. The premise was located in a residential area, with families going to work and children attending school every day. A nightclub was not an appropriate commercial venture in such a location.
 - h. These noise disturbances had happened every weekend for 9 months, with loud music, noise spillage onto the streets, alcohol fuelled gang street fights, patrons using abusive language, and car disturbance when leaving the premise. This was taking place all night in the early hours of the morning at 2:30, 3:00 and sometimes 4:00am.
 - i. Ashfield parade had become a lawless area and Accro was a major contributing factor to the deterioration of the area.
 - j. The Accro nightclub and owners had a traumatic effect on the mental health and wellbeing of their tenant and themselves. This was an unacceptable infringement on their tenant's right to enjoy their home. Their tenant and child just wanted to go back to an orderly life before Accro became operational.

7. In response, the following questions and comments were received:

- a. Mr Panayiotou asked if he would be able to make a representation. Ms Green highlighted that Mr Panayiotou had not informed the Licensing team of his intention to speak at the meeting. Mr Panayiotou said that he was not aware that he needed to, and thought he only had to be present to speak as the current DPS. He felt as though his name had been blackened and wanted the opportunity to justify a few issues. The legal adviser conveyed that a transfer application had been submitted on 25 June which transferred the licence to Ms Tsakou with immediate effect. The Chair expressed that the applicant only would have the 10 minutes in which to make their representation and that the translation of the representation would follow the same process as those of the Police and OP. Mr Panayiotou felt that a lot of the application for the licence to be revoked had been addressed towards him. The legal adviser reiterated that a transfer application had been submitted on 25

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June which transferred the licence to Ms Tsakou with immediate effect and that she was therefore the applicant and the only one with the right to make representations.

8. Ms Tsakou made the following statement, through Mr Ktorakis acting as interpreter/ translator:

- a. Ms Tsakou apologised to the OPs, she came from a disciplined family and had two children also.
- b. From 5 April onwards, she had done things in the shop. When she found out how serious things were, she was in contact with the council.
- c. When the council first attended, they advised that the sound spill was from the front of the shop. On 7 April she closed the shop for 10 days and applied soundproofing to the glass. She reopened for one day as she had respect for the local residents.
- d. When they visited again following complaints, they said the noise spill was from the ceiling. During this time, she purchased a sound level meter, and the level was never too high. There was one occasion when the sound limiting device cut off the music. Even though the decibel readings were correct, she would still reduce the volume of the noise when visited.
- e. Despite complaints having been made up to 4:00am, music stopped at 1:30am, and the council hadn't witnessed any music being played later than this. Customers left at 2:00am so they could unwind before they travelled home.
- f. She didn't know how she was being branded as unsuitable for running the premise having only been there 2 months. She had been a manager at Vue Cinema for 7 years with great success. She wanted the opportunity to demonstrate that she was worthy to be the licence holder. She would like to close the shop for 1 month to carry out the necessary works, and wanted to work with the council. She believed that the premise, given there were so few Greek premises, was worthy of being given an opportunity, and if allowed she would prove this.
- g. With regards to the fighting outside the shop that had been mentioned, the shop was closed, and she was not responsible.
- h. As for the smoking, she admitted that it had happened, but she stopped it as soon as she saw it, she advised the customer that they would either have to put it out or they would need to leave.
- i. She had respect for all people and wanted it known that she wasn't trying to cause harm to anybody. She wanted to demonstrate Greek tradition/culture and work with the council. She did not want to be judged, and wished to be given an opportunity as it was too early to criticise her.
- j. She did not know what had happened before 5 April, she had done things since, and was happy to close the shop to carry out the necessary works so that she did not disturb any of the local residents, because she had respect.

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- k. She was not in this country to fight with people, in the 9 years she had been in this country she had not given anyone a reason for them to have problems with her.
- l. Most of the complaints made, she was not responsible for.
- m. She reiterated her apologies, that she was willing to work with the council and was sure that she could. The Police had never communicated with her. The first time that she was made aware that there was an issue with the premise, she was unaware of how serious things were. She took immediate action to rectify these, and this occurred in the last 2-3 months.

9. In response, the following questions and comments were received (each were translated for Ms Tsakou's benefit):

- a. Cllr Dey asked Ms Tsakou how her claim that music never went on past 1:30am was accurate, when evidence had been provided, for example on page 43 of the bundle point 14, to suggest otherwise. It said at 02:44am the officer began their approach to visit the complainant, music could be heard from as far as the Southgate Hotel on Burleigh Gardens, the music had stopped by the time the officer reached the resident's property. Ms Tsakou, through Mr Ktorakis, replied how was it known that the music was from the premise and not somewhere else if it had stopped by the time they got there. Cllr Dey queried why an officer would give their view that it was the premise if this was not the case. Ms Green added that the officer had established that the noise/music was emanating from Accro, before they went to the resident's property it had stopped, but it was still loud enough to have been deemed and confirmed by the officer as a statutory noise nuisance. Ms Tsakou expressed through Mr Ktorakis that this was a lie, it had never happened, and she believed that somebody was trying to cause her harm. If the premise was open, why did council officers not visit at the time. Ms Green said that they were going to the complainant's property first to record it, but by the time they got their it had stopped. Ms Tsakou conveyed through Mr Ktorakis that she did not accept this.
- b. Cllr Dey queried why Ms Tsakou had not shut the premise immediately to do all the necessary works before converting it into a nightclub. Ms Tsakou responded through Mr Ktorakis that the first time council officers visited they said that soundproofing was required to the front glass, and for these works to be carried out the premise was closed for 10 days. When they revisited they said that the problems were occurring due to a small window in the ceiling that needed work, which was also done. Cllr Dey conveyed that there had been repeated complaints, so why not close the premise and get all the work done previously, as was now being offered. Ms Tsakou replied through Mr Ktorakis that she was not aware of what was occurring at the premise. She had taken measures for 5 weekends and not had any issues. Nobody had visited from the council in this time and the premise

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- operated on Saturdays only, as she had two children at home, so she was unsure how there were complaints relating to Fridays and Sundays, as they had not been open on these days since 7 April.
- c. Cllr Savva enquired how many staff the premise employed. Ms Tsakou advised through Mr Ktorakis that they employed 5 staff and were only open on Saturdays. Cllr Savva asked how many people they would lose if the licence were revoked. The legal adviser said that this was not a relevant question as it did not relate to the licensing objectives.
 - d. Cllr Dey questioned what would be different when the DPS was not changing. Ms Tsakou responded through Mr Ktorakis that she wanted everything to be her responsibility, she did not want the issues to continue to happen, and did not feel it was fair what was happening to her now. She wanted to do things properly and explained that Mr Panayiotou did not want to be the DPS anymore, he had children and could not be at the premise all the time. The legal adviser highlighted that there had not been an application to transfer the DPS. Ms Green clarified that the PLH transfer and vary DPS were two separate applications. Mr Panayiotou explained that was not aware that this was the case, he had never transferred a licence before and thought that by transferring the licence, he was no longer the DPS. Cllr Dey pointed out that his question had still not yet been answered. Ms Tsakou, through Mr Ktorakis, expressed that she was now taking matters seriously, as she had seen what had occurred. She wanted the issues to end and was offering for everything to go well from now and not be a problem.
 - e. The Chair queried why Ms Tsakou had not taken action to address the issues when she was served with a noise abatement notice. Ms Tsakou replied through Mr Ktorakis that she had tried, having sound insulated the glass at the front and the ceiling, and nobody had suggested anything else since the changes were made. She couldn't spend any more money on the premise if she wasn't going to have a licence.
 - f. Ms Green conveyed that their records indicated that the FPN had not yet been paid. Ms Tsakou advised through Mr Ktorakis that she had paid a £230 charge and had forwarded an email with proof of payment to Mr Ktorakis.
 - g. Ms Green asked if Ms Tsakou or anyone employed at the premise had a personal licence. Ms Tsakou responded that she did not, but someone employed at the premise did and she was booked on a course to get a personal licence.
 - h. Ms Green enquired if Ms Tsakou understood her role and responsibilities as a PLH, and if she knew all of the licensable times and conditions. Ms Tsakou replied through Mr Ktorakis that now she did.
 - i. Ms Green reiterated that Ms Tsakou had said that she had installed a noise limiter, undertaken some measures and reduced the volume when officers visited. Ms Tsakou, through Mr Ktorakis confirmed that she had a sound level meter, she checked the noise levels, and when officers visited, she still reduced the volume.

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- j. Ms Green questioned why the noise acoustic assessment had not covered all areas of the premise holistically, rather than pinpointing a couple of things. Ms Tsakou advised through Mr Ktorakis that a notice had been placed on the premise for a review of the licence and she couldn't be expected to spend money on works when she wasn't certain that she was going to have a licence. She understood that the complaints were very serious, but she wasn't responsible.
- k. Ms Green highlighted that since Ms Tsakou had been at the premise from 5 April, there had been 23 complaints and all 8 statutory noise nuisances were with her in charge. Ms Tsakou, through Mr Ktorakis responded that she agreed but the council had instructed her to soundproof the windows, which she had done, then officers say the ceiling is the issue, which she had also addressed. She was willing for the council to come to the shop, tell her what works needed to be done and she would do them. Ms Green said that it was Ms Tsakou's responsibility to undertake the assessment, it was not for the council to tell her what was needed. Ms Tsakou replied through Mr Ktorakis that she wanted to work with the council.
- l. Ms Green asked what checks Ms Tsakou had carried out, and where she had taken measurements to see if it the works she'd carried out had any effect. Ms Tsakou advised through Mr Ktorakis that these checks/measurements were conducted on the opposite side of the pavement and on the corner of the road. Council officers had told her that the noise issue was not from outside but through the ceiling. There had not been an opportunity to do any further works since notice of the review.
- m. Ms Green queried if this was the case why Ms Tsakou had not just kept the music level down. Ms Tsakou replied through Mr Ktorakis that there were records at the premise which indicated the dates and times that sound levels were checked. The premise was open one day a week because she respected her neighbours.
- n. Ms Green enquired why Ms Tsakou was taking measurements from the street if this was not where she thought the noise was spilling out from. Ms Tsakou said through Mr Ktorakis that this is what the council had said to her.
- o. Ms Green questioned how the premise was used on Saturday nights. Ms Tsakou responded through Mr Ktorakis that there were special events on Saturdays with entertainers. They only took customers who had booked, they opened at 9:30pm and closed at 1:30am. During the evening there was security inside and out who, along with signs, asked customers to keep quiet, respect the local residents, and go outside to smoke.
- p. Ms Green asked if the regulated entertainment and sale of alcohol were the main aspects of the premise. Ms Tsakou advised through Mr Ktorakis that they also served traditional Greek food.
- q. An opposing party said that their tenant had a noise level meter, and they had been recording the decibels inside their flat. The premise was not just open on Saturdays, as it had opened on other days of the

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week, including Thursday 6 July, Saturday 8, and Monday 10 July, staying open until 2:00-2:30am. Ms Tsakou questioned through Mr Ktorakis how the OP knew that the premise was open if they were not there. The OP conveyed that their tenant had records. Ms Tsakou replied through Mr Ktorakis that this was a lie, she was being criticised for something which had not occurred, and on Thursday evenings she worked at the cinema so how could the shop be open. Mr Panayiotou said he had been on the parade for 23 years, he was very approachable, and why had the complaints not been raised with him before the local resident spoke to him a couple of weeks ago. The legal adviser stopped the discussion which had begun between Mr Panayiotou and the local resident, and clarified that the documentation set out dates the premise had been opened, which were not just Saturdays. Mr Panayiotou queried why the whole history of the premise was not being looked at, and only the recent issues were being highlighted.

- r. Cllr Dey enquired why immediate action had not been taken following the very first complaint, like stopping the music, and how they could reassure him things would be different if they were allowed to continue. Mr Panayiotou expressed that there had been a transition, he had spoken to the council and different companies about sound proofing, but works had not been done sooner as he had not known how to address the issues. The legal adviser pointed out that the question was for Ms Tsakou. Ms Tsakou, through Mr Ktorakis responded that since she had been at the premise, she had worked with the council on whatever she was advised. She had been told to soundproof the glass and the ceiling and closed the premise to complete these works.
- s. An OP questioned if Mr Panayiotou had informed Ms Tsakou of the existing issues when she came into the premise. Mr Panayiotou said that he did tell her about the issues, but did not know the extent of the problems with the noise. The Chair stopped further discussions between Mr Panayiotou and the public present.

10. The following closing summaries/ points were made (each were translated for Ms Tsakou's benefit):

- a. Ms Hughes outlined the options available to Members of the sub-committee to make, and directed them to the relevant guidance.
- b. Ms Green conveyed that all of the representations had been listened to, particularly those of Ms Tsakou, and no information had been provided to warrant a change of position. The Licensing Authority remained firm in their position for revoking the licence. If the LSC were minded not to revoke the licence, additional conditions and amended times should be considered.
- c. Mr Ewart expressed in reference to the licence review, that they had heard nothing in this hearing that would convince them otherwise, and held no confidence in the licence holders to run the premise in a manner that was conducive in upholding the licensing objectives. There

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had been clear, unambiguous evidence which proved the contrary, and they wished that the licence be revoked. In respect of the PLH transfer application, the applicant had charge and operational responsibility for the premise currently under review at a time when 4 statutory noise nuisance had been witnessed by officers. Ms Tsakou had numerous opportunities to correct the issues. It was as much the responsibility of the PLH to uphold the licensing objectives as it was the DPS.

Appointing Ms Tsakou as the PLH would in the Police's opinion be merely a paper exercise, as no change to the responsible running of the premises as a result of the transfer would be forthcoming. The Police held no confidence in the applicant's ability to uphold the licensing objectives given the premise was under review for poor management at a time the applicant was by her own admission in charge.

- d. The OP asked the LSC to consider the effect the situation had on their tenant, revoke the licence and allow their tenant to enjoy their home. Their tenant could not work on their exams and there were over 300 residents in the area all of whom were being affected. They wished the premise had CCTV, so that what was happening could be understood. The local resident asked Mr Panayiotou if he could share what they had discussed privately with regards to not wanting them to occupy the premise and looking for ways to get rid of them. The legal adviser interrupted further discussion on this as these points were not relevant.
- e. Ms Tsakou through Mr Ktorakis advised that no one was entitled to judge someone else in such a short period of time. She asked for the opportunity to demonstrate that she could run the premise properly, she was here to continue the issues of her country and not cause issues with anyone. Of the 360 people who lived in the area, only 1 person had complained, and they were lying that she opened on days other than Saturdays; she believed the complaints to be personal. If given a 2-3 month opportunity she would demonstrate that she was capable, and if not, she would surrender the licence.

The Chair thanked everyone for their time and adjourned the meeting at 13:16, while the committee went away to deliberate. The Panel retired with the legal adviser and committee administrator to consider the application further, and then the meeting reconvened in public at 14:41.

Cllr Savva was unable to return to announce the decision, but it was confirmed that he had been present and given his views when the decision was being discussed.

The Licensing Sub-Committee **RESOLVED** that it considered it appropriate for the promotion of the licensing objectives **to revoke the licence and to refuse the premises licence transfer** to Ms Tsakou.

The Chair made the following statement:

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“The Licensing Sub-Committee (LSC) had listened to and considered written and oral submissions made by the Licensing Authority, the Metropolitan Police, Stavroula Tsakou (the Premises Licence Holder (PLH)), Neoclis Panayiotou (the current Designated Premises Supervisor (DPS) and previously named PLH), and the Other Parties OP1-3, SUP1-2. It was noted that Neoclis Panayiotou had not formally confirmed to request to make representations at this hearing. The LSC acknowledges that Stavroula Tsakou had the assistance of a translator, Alex Paphiti, and during the course of the hearing it was apparent that the translator appeared to be advising Stavroula Tsakou and the Council’s Legal Adviser interjected. Given the hearing had a number of Greek speakers present, Victor Ktorakis, an officer of the council, provided the interpretation with some assistance from other present Greek speakers, including Neoclis Panayiotou, the interpreter, Alex Paphitis, and the husband of OP3. The LSC is wholly satisfied that Stavroula Tsakou understood the proceedings and displayed an understanding of English.

The LSC, on balance, has made the decision in promoting the licensing objectives to:

- I. Reject the Application for the Transfer of the Premises Licence to Stavroula Tsakou.
- II. Revoke the Licence in its entirety.

The LSC noted the well-articulated objections and genuine concerns of the Licensing Authority, the Metropolitan Police and Other Parties. The LSC was not persuaded that either Stavroula Tsakou or Neoclis Panayiotou had taken appropriate steps for the promotion of the licensing objectives in particular concerning the prevention of public nuisance and crime and disorder.

The LSC noted that whilst the Stavroula Tsakou stated that there was no or limited evidence of complaints concerning the premises, the LSC found this not to be the case given the level of complaints received as outlined within the Public Document Pack at pages 26-34 and also 41-44, also the Police representations on pages 87-96, as well as the oral evidence produced concerning the complaints from the Licensing Authority, the Metropolitan Police and the Other Parties.

The LSC also noted the supporting evidence in the bundle at pages 109-119 and that in fact SUP2 was in fact Stavroula Tsakou who made those representation. The LSC also noted additional representations from OP3 in the Supplementary Agenda which sets out that there was a party at the Premises on 8 July 2024 until 2.30-3am.

The LSC are of the view that both Stavroula Tsakou and Neoclis Panayiotou have not complied with the licensing objectives and have failed to avail themselves of the numerous opportunities to comply from December 2023 to the present day and not heeded the advice provided sufficiently to satisfy the LSC that matters will improve going forward.

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The LSC has taken into account the statutory guidance and in particular the exceptional circumstances whereby the Police have raised objection to the transfer of the licence to Stavroula Tsakou in that it would undermine the crime prevention objective (paragraph 8.101) given the incidents of crime and disorder arising at and around the premises. It was accepted that the Police had no confidence in Stavroula Tsakou upholding any of the licensing objectives. The LSC also considered the London Borough of Enfield's Policy Statement and has made its decision in promoting all of the four licensing objectives and in particular that of the prevention of public nuisance, notably it has taken into account the complaints history and all the relevant information."

The Chair outlined the appeal process, thanked everyone for their time and contributions, and the meeting ended at 14:53.