

## MUNICIPAL YEAR 2015/16 REPORT NO.

**COMMITTEE :**  
Licensing Sub-Committee  
21 October 2015

**REPORT OF :**  
Principal Licensing Officer

**LEGISLATION :**  
Licensing Act 2003

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

### 1 LICENSING BACKGROUND

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

### 2 THIS APPLICATION:

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

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

- 2.3 The review application also seeks to:
- modify conditions of the premises licence;
  - remove Mrs Ishil Bursuk as Designated Premises Supervisor;
  - suspend the licence for not less than one month AND until the licence conditions attached to the premises licence are deemed to be satisfactory.
- 2.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.5 Each of the Responsible Authorities were consulted in respect of the application.
- 2.6 A copy of a location map of the premises is attached as Annex 01.
- 2.7 A copy of the application is attached as Annex 02.
- 2.8 A copy of the current premises licence is attached as Annex 03.

### 3 RELEVANT REPRESENTATIONS:

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

#### **4 PROPOSED LICENCE CONDITIONS:**

4.1 The conditions arising from this application are attached as Annex 06.

#### **5 RELEVANT LAW, GUIDANCE & POLICIES:**

5.1 The paragraphs below are extracted from either :

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

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

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

##### **General Principles:**

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

5.3 The licensing objectives are :

5.3.1 the prevention of crime and disorder;

5.3.2 public safety;

5.3.3 the prevention of public nuisance; &

5.3.4 the protection of children from harm [Act s.4(2)].

5.4 In carrying out its functions, the Sub-Committee must also have regard to :

5.4.1 the Council's licensing policy statement; &

5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

##### **Cumulative Impact Policy:**

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

##### **Hours:**

5.6 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.13].

5.7 However, there is no general assumption in favour of lengthening licensing hours and the four Licensing Objectives should be paramount considerations at all times. Where there are representations against an application and the Sub-Committee believes that extending the licensing hours would undermine the Licensing Objectives, they may reject the application or grant it with appropriate conditions and/or different hours from those requested. [Pol s.8.3].

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

## **Reviews arising in connection with crime: S182 Guidance**

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

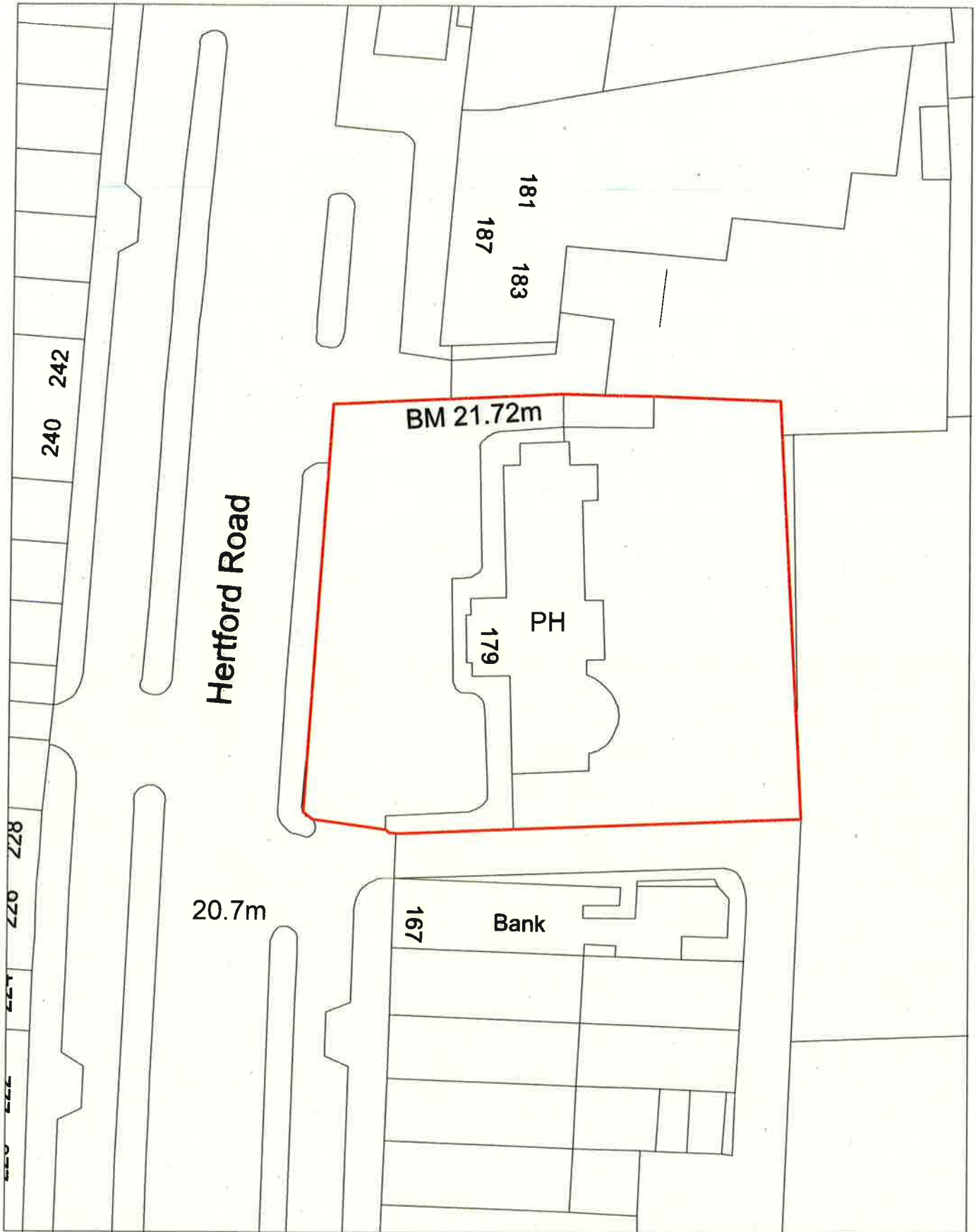
review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

**Regulated Entertainment:**

- 5.14 With effect from 6<sup>th</sup> April 2015, changes were made to Schedule 1 of the Licensing Act 2003 which determines whether different types of regulated entertainment are licensable or not.
- 5.15 In relation to this application, no licence is required for recorded music if it takes place on a premises which are authorised by a premises licence for the supply of alcohol for consumption on the premises, as long as it takes place between 8am and 11pm, and the audience is less than 500 people.
- 5.16 No licence is required for the performance of unamplified live music between 08.00 and 23.00 on any day, on any premises.
- 5.17 No licence is required for a performance of amplified live music between 08.00 and 23.00 on any day on premises authorised to sell alcohol for consumption on those premises, provided that the audience does not exceed 500.
- Review:**
- 5.18 In reviewing a licence the Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].
- Decision:**
- 5.19 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 5.19.1 to modify the conditions of the licence;
  - 5.19.2 to exclude a licensable activity from the scope of the licence;
  - 5.19.3 to remove the designated premises supervisor
  - 5.19.4 to suspend the licence for a period not exceeding three months;
  - 5.19.5 to revoke the licence [Act s.52].
- 5.20 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

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

**Contact Officer :**  
**Ellie Green on 020 8379 8453**



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





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

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

I **Police Constable Gary Marsh, for and on behalf of the Commissioner of the Metropolitan Police Service** apply for the review of a **premises licence** under Section 51 of the Licensing Act 2003 for the premises described in Part 1 below

#### Part 1 – Premises or club premises details

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

The Black Horse, 179 Hertford Road

**Post town:**

Enfield

**Post code:**  
(if known)

EN3 5JH

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

Mrs Ishil BURSUK

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

LN/200501674

#### Part 2 – Applicant details

I am:

Please tick Yes

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

**PROTECTIVE MARKING**

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

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

**(B) DETAILS OF OTHER APPLICANT** (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT** (fill in as applicable)

Name and Address:	
PC Gary Marsh, Edmonton Police Station, 462 Fore Street, N9 0PW.	
Telephone Number (if any):	0208 345 3322
Email address: (optional)	gary.marsh@met.pnn.police.uk

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

		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input checked="" type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>

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



## PROTECTIVE MARKING

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

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

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

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

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

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

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

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

## PROTECTIVE MARKING

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

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

Crime Report 5216745/15 GBH/Wounding

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

Crime Report 5223755/14. Possession of Cannabis.

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

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

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

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

Crime Report 5204933/14 Theft.

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

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

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

The current hours of operation are

Activity Times

Opening hours 07:30 – 01:30 Sun – Wed

07:30 – 03:30 Thurs - Sat

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

10:00 – 03:00 Thurs - Sat

Films 07:30 – 01:00 Sun – Wed

07:30 – 03:00 Thurs - Sat

Indoor Sporting Events 12:00 – 01:00 Everyday

Live Music 12:00 – 01:00 Everyday

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

07:00 – 03:00 Thurs - Sat

LNR 23:00 – 01:30 Sun – Wed

23:00 - 03:30 Thurs - Sun

## PROTECTIVE MARKING

### Additional Information

The 182 Guidance states the following.

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

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

The guidance further states at

11.28. It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

### Conclusion

The Police seek a reduction in hours to the following.

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

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

PROTECTIVE MARKING

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

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

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

## PROTECTIVE MARKING

Please tick Yes

I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate.



I understand that if I do not comply with the above requirements my application will be rejected.



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

### Part 3 – Signatures (please read guidance note 4)

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

Signature:

Date:

Capacity:

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

Post town:

Post code:

Telephone Number (if any):

**If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):**

### Notes for Guidance

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

**WITNESS STATEMENT**

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

Statement of **Gary Marsh** ..... URN: 

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

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

Signature: *G. Marsh* ..... Date: 10<sup>th</sup> OCTOBER 2015

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

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

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

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

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

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

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

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

Signature: *G. Marsh* ..... Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....

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

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

**Grievous Bodily Harm (GBH)**

**Thursday 6th August 2015**

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

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

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

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

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

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

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

Signature: G. Marsh .....

Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....

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

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

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

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

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

**Evidence**

**Crime Report 5216745/15 - GBH/Wounding**

**CCTV of assault**

**CAD 2603/06AUG15**

**Handling Stolen Goods**

**October 2015**

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

Signature: \_\_\_\_\_

*G. Marsh*

Signature witnessed by: \_\_\_\_\_



Continuation of Statement of **Gary Marsh** .....

**Evidence**

**Criminal Intelligence Report YERT00391054**

**Handling Stolen Goods**

**September 2015**

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

**Evidence**

**Criminal Intelligence Report YERT00390422**

**Intoxication and Disturbance**

**12th August 2015**

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

**Evidence**

**CAD 6034/12AUG15**

**Gangs**

**August 2015**

Reports of a known gang member frequenting The Black Horse.

**Evidence**

**Criminal Intelligence Report YERT00389330**

**Disturbance**

**28th July 2015**

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

**Evidence**

**CAD 3232/28JUL15**

**Intoxication and Disturbance**

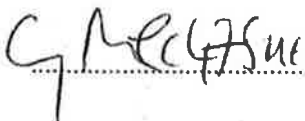
**22nd July 2015**

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

**Evidence**

**CAD 9624/22JUL15**

Signature: .....



Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....

**Gangs**

**May 2015**

Reports of a known gang frequenting The Black Horse.

**Evidence**

**Criminal Intelligence Report YERT00385529**

**Gangs**

**April 2015**

Report contains intelligence about gangs activity and The Black Horse

**Evidence**

**Criminal Intelligence Report YERT00384964**

**Drugs Supply**

**April 2015**

Reports of drugs supply at The Black Horse

**Evidence**

**Criminal Intelligence Report YERT00384412**

**Potential Assault and Intoxication**

**22nd March 2015**

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

**Evidence**

**CAD 8210/22MAR15**

**Drugs Supply**

**February 2015**

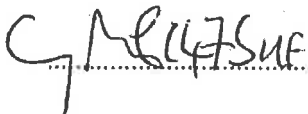
Reports of drugs supply at The Black Horse

**Evidence**

**Criminal Intelligence Report YERT00382921**

**Drugs Warrant**

Signature: \_\_\_\_\_



Signature witnessed by: \_\_\_\_\_

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

Drugs search warrant executed at The Black Horse.

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

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

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

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

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

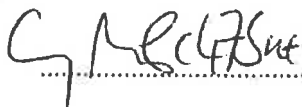
A male was stopped and searched within the premises and found in possession of herbal cannabis.

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

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

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

Signature: .....



Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....**Grevious Bodily Harm****24th May 2014**

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

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

**Evidence****Crime Report 5211321/14 GBH/With Intent (GBH/WI)****Theft****28th February 2014**


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

**Evidence****Crime Report 5204933/14 Theft****Grevious Bodily Harm****1st February 2014**

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

**Evidence****Crime Report 5202386/14 GBH/Wounding****Actual Bodily Harm (ABH)****23rd January 2014**

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

**Evidence****Crime Report 5201702/14 ABH**Signature: 

Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....

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

**Conclusion**

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

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

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

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

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

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

Signature: Gary Marsh Signature witnessed by: .....

Continuation of Statement of **Gary Marsh** .....

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

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

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

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

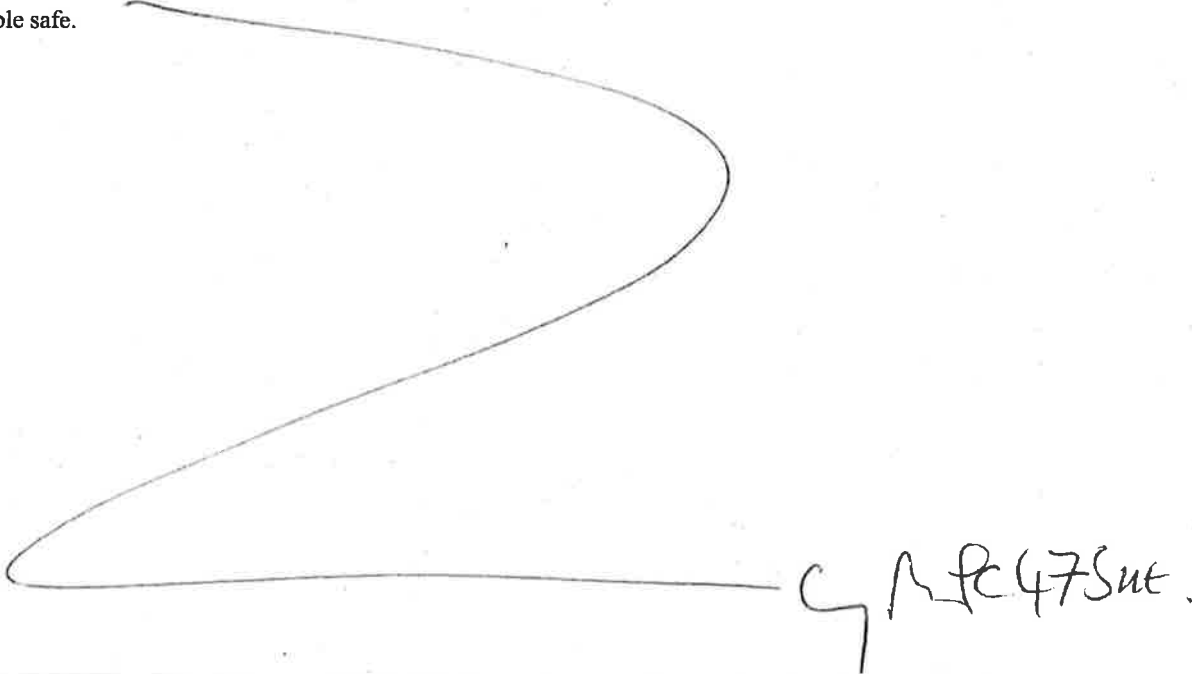
I feel that the venue needs a fresh start and new management, management that is strong enough to resist if these gang members try to move back in. I think that given the number of glass enabled crime that to remove that danger the use of plastic/polycarbonate drinking vessels should be used throughout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

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

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

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

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



Signature: Gary Marsh ..... Signature witnessed by: .....

**Witness contact details**

Home address: .....  
 ..... Postcode: .....  
 Home telephone number ..... Work telephone number .....  
 Mobile/pager number ..... Email address: .....  
 Preferred means of contact: .....

**Male / Female** (delete as applicable) Date and place of birth: .....  
 Former name: ..... Ethnicity Code (16+1): ..... Religion/belief: .....

**Dates of witness non-availability** .....

**Witness care**

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

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

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

Time and place statement taken: .....

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

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/200501674**

**Part 1 – Premises Details**

Postal address of premises :

Premises name : **The Black Horse**

Telephone number : **020 8350 3001**

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

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

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

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

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



**(2) Supply of Alcohol - On and Off Supplies**

<b>Sunday :</b>	<b>10:00 - 01:00</b>
<b>Monday :</b>	<b>10:00 - 01:00</b>
<b>Tuesday :</b>	<b>10:00 - 01:00</b>
<b>Wednesday :</b>	<b>10:00 - 01:00</b>
<b>Thursday :</b>	<b>10:00 - 03:00</b>
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<b>New Years Day :</b>	<b>00:00 - 00:00</b>
<b>2nd January :</b>	<b>00:00 - 02:00</b>

**(3) Films - Indoors**

<b>Sunday :</b>	<b>07:30 - 01:00</b>
<b>Monday :</b>	<b>07:30 - 01:00</b>
<b>Tuesday :</b>	<b>07:30 - 01:00</b>
<b>Wednesday :</b>	<b>07:30 - 01:00</b>
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<b>New Years Day :</b>	<b>00:00 - 00:00</b>
<b>2nd January :</b>	<b>00:00 - 02:00</b>

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

<b>Sunday :</b>	<b>12:00 - 01:00</b>
<b>Monday :</b>	<b>12:00 - 01:00</b>
<b>Tuesday :</b>	<b>12:00 - 01:00</b>
<b>Wednesday :</b>	<b>12:00 - 01:00</b>
<b>Thursday :</b>	<b>12:00 - 01:00</b>
<b>Friday :</b>	<b>12:00 - 01:00</b>
<b>Saturday :</b>	<b>12:00 - 01:00</b>

**(5) Live Music - Indoors**

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

**(6) Recorded Music - Indoors**

<b>Sunday :</b>	<b>07:00 - 01:00</b>
<b>Monday :</b>	<b>07:00 - 01:00</b>
<b>Tuesday :</b>	<b>07:00 - 01:00</b>
<b>Wednesday :</b>	<b>07:00 - 01:00</b>
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<b>New Years Day :</b>	<b>00:00 - 00:00</b>
<b>2nd January :</b>	<b>00:00 - 02:00</b>

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

<b>Sunday :</b>	<b>12:00 - 01:00</b>
<b>Monday :</b>	<b>12:00 - 01:00</b>
<b>Tuesday :</b>	<b>12:00 - 01:00</b>
<b>Wednesday :</b>	<b>12:00 - 01:00</b>
<b>Thursday :</b>	<b>12:00 - 01:00</b>
<b>Friday :</b>	<b>12:00 - 01:00</b>
<b>Saturday :</b>	<b>12:00 - 01:00</b>

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

<b>Sunday :</b>	<b>23:00 - 01:30</b>
<b>Monday :</b>	<b>23:00 - 01:30</b>
<b>Tuesday :</b>	<b>23:00 - 01:30</b>
<b>Wednesday :</b>	<b>23:00 - 01:30</b>
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<b>New Years Day :</b>	<b>00:00 - 00:00</b>
<b>2nd January :</b>	<b>00:00 - 02:00</b>

**Part 2**

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

Name : Mrs Ishil Bursuk

Telephone number : 020 8804 5159

e-mail : Not provided

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

**Registered number of holder (where applicable) :**

Not applicable

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

Name : Not applicable

Telephone number :

Address :

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

Name : Mrs Ishil Bursuk

Telephone number : 020 8804 5159

e-mail : Not provided

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

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

Personal Licence Number : LN/200500621

Issuing Authority : London Borough of Enfield

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

Signed 

for and on behalf of the  
London Borough of Enfield

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

Date : 2nd November 2009

**ENFIELD**  
Council



## **Annex 1 - Mandatory Conditions**

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- 3. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made : (a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board; or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.**
- 4. Immediately before each exhibition of a film passed by the British Board of Film Classification there shall be exhibited on a screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.**

## **Annex 2 - Conditions consistent with the Operating Schedule**

- 5. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 6. All Staff shall receive drugs awareness training as part of their induction.**
- 7. No entry shall be allowed to the premises after 23:00.**
- 8. No children under 18 years of age shall be permitted on the premises after 23:00.**
- 9. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras shall be sited to observe the entrance doors both inside and out, the counter, all floor areas; (2) The internal cameras facing the entrance doors shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. These camera shall capture a minimum of 25 frames per second; (3) Cameras viewing till/counter areas shall capture frames not less then 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Provide a**

monitor in full view of customers entering the premises. This monitor must display the images of said customers; (11) Have a separate monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

10. Toughened glasses shall be used at the premises.

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

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

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

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

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

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

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

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

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

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

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

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

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

**23. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them. Similar notices shall also be positioned in the garden and smoking areas.**

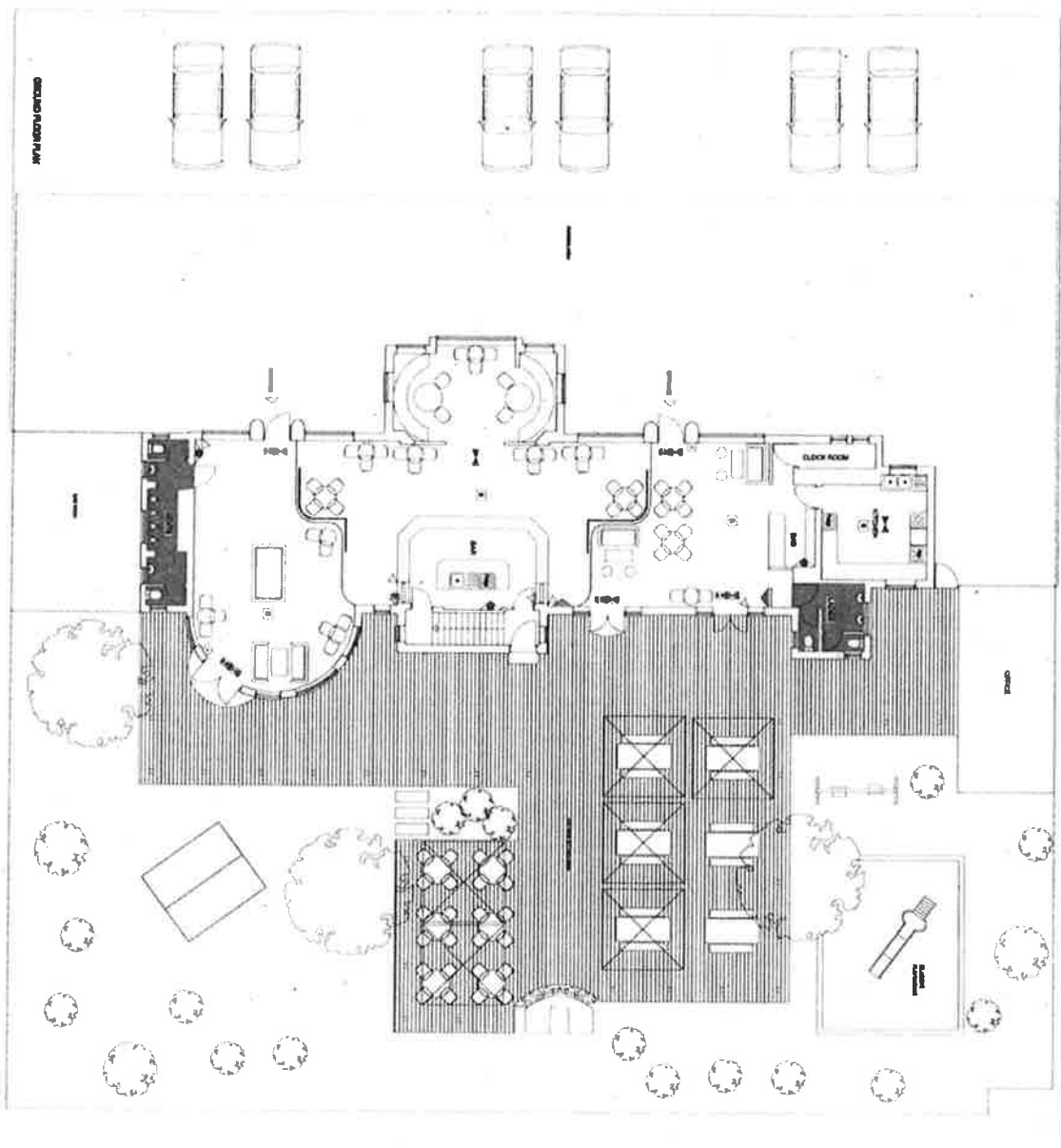
**24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.**

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

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

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

# Annex 4 - Plans







### LICENSING AUTHORITY REPRESENTATION

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

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

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

**Type of Application:** Review (Police)

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

#### Background History:

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

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

The premises is currently licensed to provide the following activities:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Condition 24 -** The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

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

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

Customers were seen with drinks outside after 23:00.

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

No notice displayed.

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

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

Condition 6 - No evidence of drug awareness training

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

Condition 24 - No sound check sheets available

Condition 26 - No sign advising use of outside area.

Left inspection report and left premises at 23:30.

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

#### **Condition 26**

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

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

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

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

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

**03/12/14** – Training records received.

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

**10/07/15** – 23:20 – Out of Hours Noise Officers carried out observations of the premises (Jl). They initially started their observations from the rear in Greenmoor Road. From here some music was audible but not loud (there was no bass only treble) **BREACH OF CONDITION 24.** When they went to the front of the premises there were 6 people using the outside seating area. The officers entered the premises at 23:30 and went out to the rear garden where they found 13 customers and 3 staff. **This was a breach of Condition 21** which states: The external seating areas shall not be used after 23:00 Monday to Saturday and 22:30 on Sundays. An exception to this is that after this time a maximum of 25 smokers at any one time shall be permitted in a designated smoking area situated at the front of the premises. This area shall be cordoned off and clearly sign posted as the smoking area.

The central 'kiosk' has staff in and there were 3 men at its window. Apparently nothing was being sold at that time. The officers spoke to Mrs Bursuk who claimed that the licensee for the rear garden is Mr Ibrahim Gumus and that he does not listen to her when she tells them not to continue past the licensed hours. The officer reiterated that the licence states the use of the rear garden must end by 23:00 and that it was now past 23:30. They staff said that they thought the limit was midnight. Officer pointed out the sign that was just inside the door of the premises leading to the rear garden which stated the 23:00 time limit. The officers left the premises at 23:40 advising that their findings would be passed on to the Licensing Enforcement Team.

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

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

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

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

**Planning:**

**REFERENCE:** TP/11/1119

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

**Location:**

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

**Cumulative Impact Policy (CIP):**

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

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

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

**Conclusion:**

**I wish to make representation on all four licensing objectives:**

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

This is the second time this licence has been reviewed.

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

Licence breaches witnessed by Council officers:

Year	2012	2013	2014
<b>Number of Breaches</b>	12	8	6

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

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

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

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

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

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

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

Current licence conditions:

Annex 2 - Conditions consistent with the Operating Schedule

5. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

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

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

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

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

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

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

9. A digital CCTV shall be installed in the premises complying with the following criteria: (1) Cameras shall be sited to observe the entrance doors both inside and out, the counter, all floor areas; (2) The internal cameras facing the entrance doors shall capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification. These camera shall capture a minimum of 25 frames per second; (3) Cameras viewing till/counter areas shall capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Be capable of visually confirming the nature of the crime committed; (6) Provide a linked record of the date, time and place of any image; (7) Provide good quality images - colour during opening times; (8) Operate under existing light levels within and outside the premises; (9) Have the recording device located in a secure area or locked cabinet; (10) Provide a monitor in full view of customers entering the premises. This monitor must display the images of said customers; (11) Have a separate monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed on the front entrance door and in the customer area to advise that recorded CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.



10. Toughened glasses shall be used at the premises.

**Remove and replace with police condition**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Amend to: Condition recommended in police review application**

23. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them. Similar notices shall also be positioned in the garden and smoking areas.

24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

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

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

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

**Add:**

- A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.
- Music shall not be provided in the rear outside seating area at any time.

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

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: [charlotte.palmer@enfield.gov.uk](mailto:charlotte.palmer@enfield.gov.uk)

Signed:

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

Date: 15/09/2015

Appendix 1a



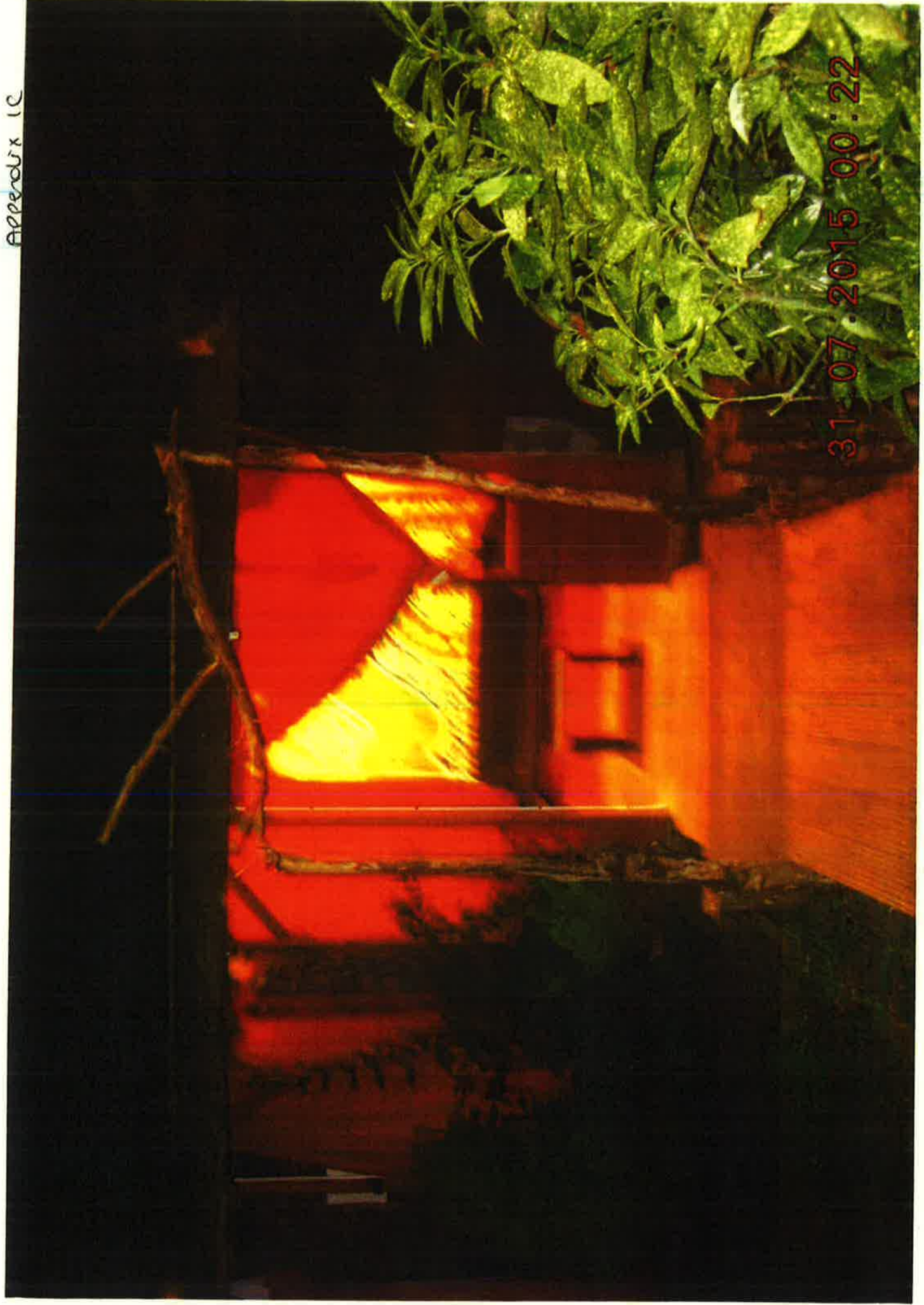
31 07 2015 00 15

Appendix 1b



31 07 2015 00 21

Appendix 1C



31-07-2015 00:22

Appendix 1d

31.07.2015 00:22



Appendix 1E



31 07 2015 00 22





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

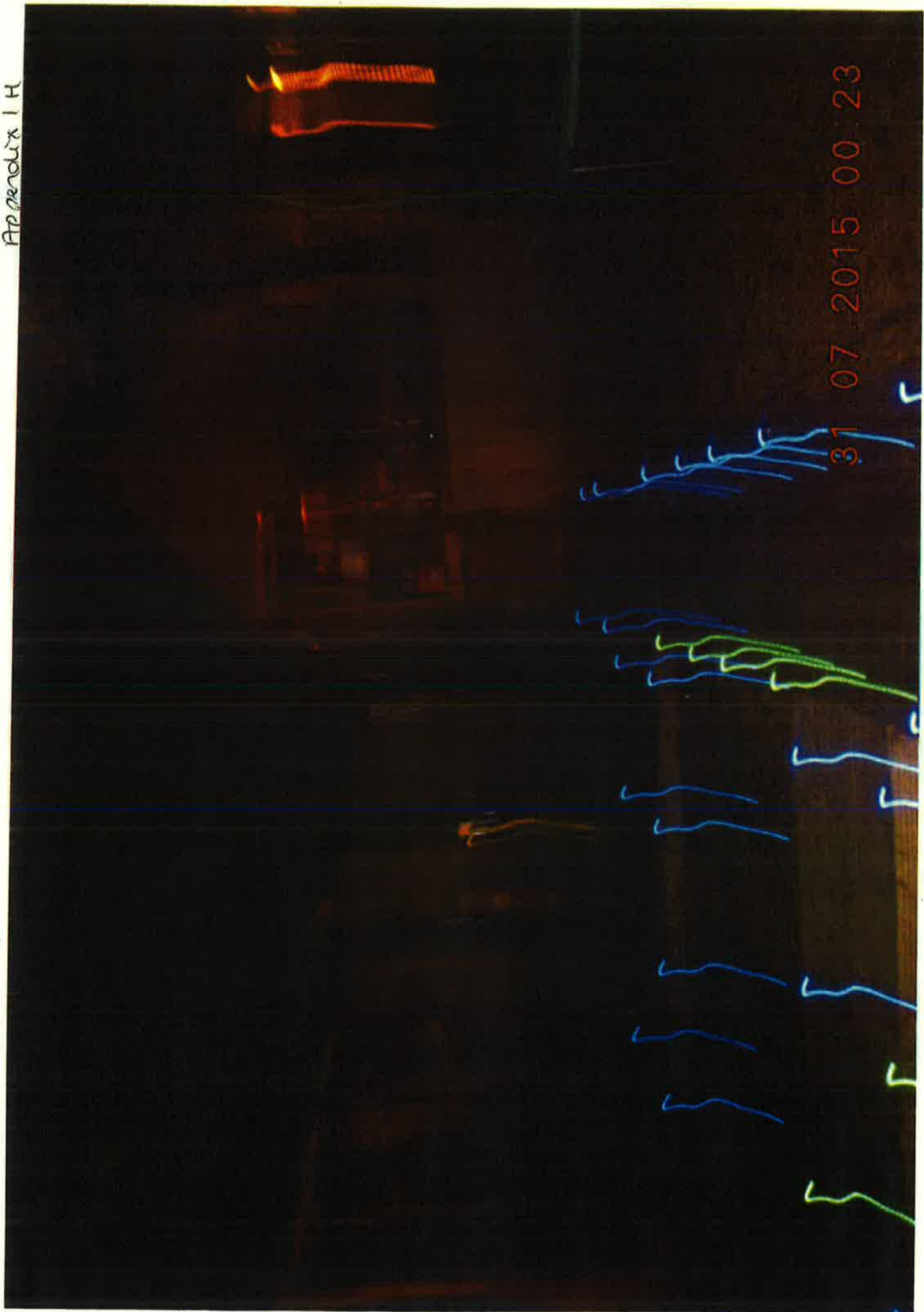
31 07 2015 00 22



31.07.2015 00:22

Appendix 19

Appendix 1 H



Appendix I



31 07 2015 00 23

APPENDIX 1 J

31 07 2015 00 23



APPENDIX I R

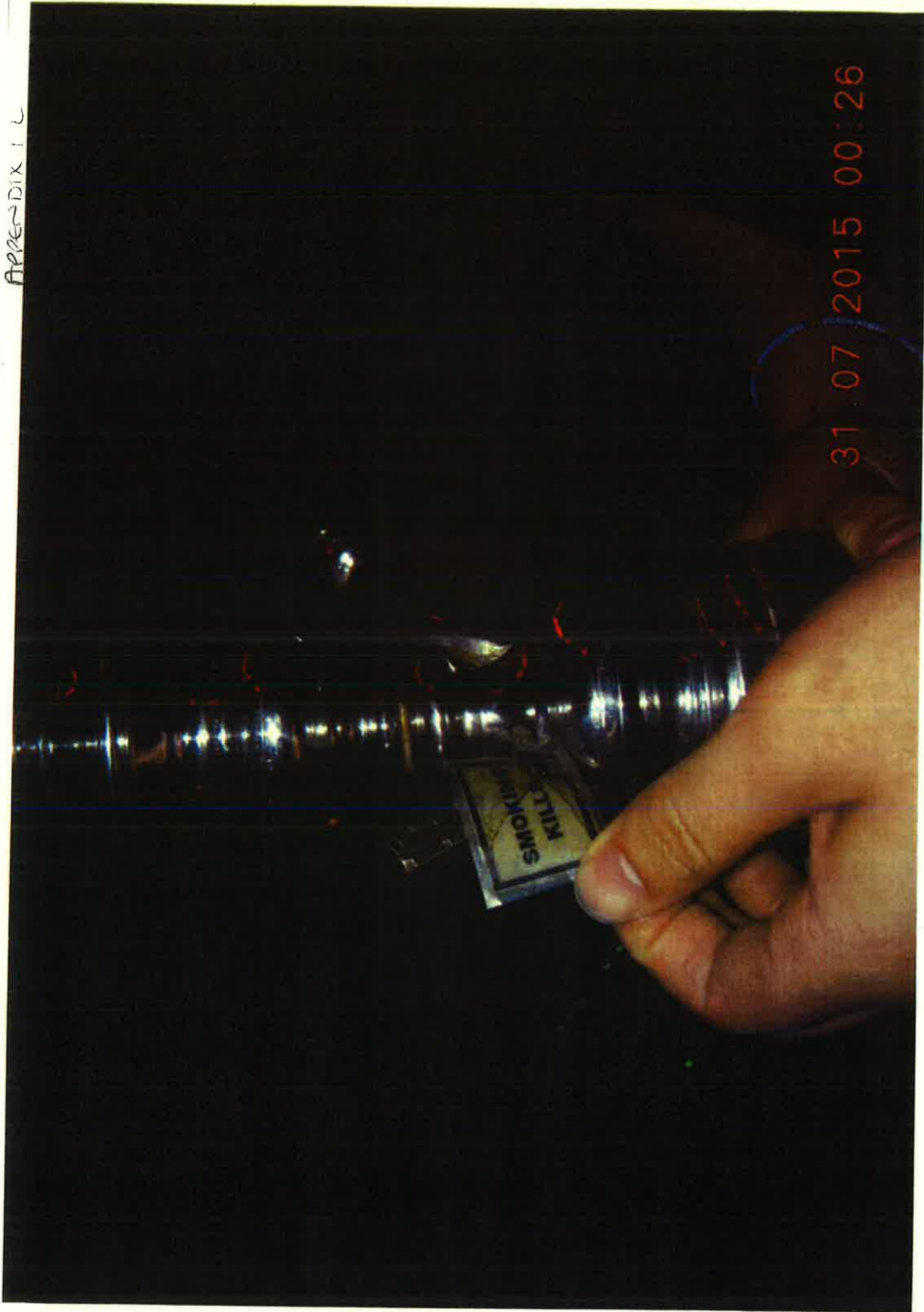


31 07 2015 00:24

APPENDIX 1 L

31 07 2015 00:26

KILLS  
SMOKERS



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

31.07.2015 00:26



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

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

Dear Mrs Bursuk

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

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

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

**Licence conditions**

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

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

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

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

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

Phone: 020 8379 1000  
Website: [www.enfield.gov.uk](http://www.enfield.gov.uk)



The Government Standard

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

23. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them. Similar notices shall also be positioned in the garden and smoking areas.

24. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.

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

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

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

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

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

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

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

### **Health Act 2006 - Smoke-Free Legislation**

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

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

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

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

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

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

Yours sincerely

Charlotte Palmer  
Licensing Enforcement Officer



**GOSSCHALKS**  
SOLICITORS

ANNEXUS

BY FIRST CLASS POST AND EMAIL

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

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

Dear Sirs,

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

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

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

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

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

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

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

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

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

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

We look forward to hearing from you.

Yours faithfully



**GOSSCHALKS**

**THE BLACK HORSE – CONDITIONS PROPOSED BY THE POLICE & LA****Annex 1 - Mandatory Conditions**

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**
- 3. The admission of children under the age of 18 to film exhibitions permitted under the terms of this licence shall be restricted in accordance with any recommendations made : (a) By the British Board of Film Classification (BBFC) where the film has been classified by that Board; or (b) By the Licensing Authority where no classification certificate has been granted by the BBFC, or, where the licensing authority has notified the licence holder that section 20 (3) (b) of the Licensing Act 2003 applies to the film.**
- 4. Immediately before each exhibition of a film passed by the British Board of Film Classification there shall be exhibited on a screen for at least five seconds in such a manner as to be easily read by all persons in the auditorium a reproduction of the certificate of the Board or, as regards a trailer advertising a film, of the statement approved by the Board indicating the classification of the film.**

**Annex 2 - Conditions consistent with the Operating Schedule**

- 5. There shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.**
- 6. All Staff shall receive drugs awareness training as part of their induction.**
- 7. From 19.00 until close, toilets at the premises shall be checked for any sign of drug use approximately every two hours and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 6**

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

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

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

12. Door Supervisors shall be easily identifiable by either wearing reflective jackets or reflective armbands.
13. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them. Similar notices shall also be positioned in the garden and smoking areas.
14. The management at approximately hourly intervals from 21:00 until the music ceases shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council, upon request. Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.
15. Drinks shall not be allowed outside after 23:00.
16. Signage shall be displayed advising customers of the times the outside area can be used and the conditions of its use.
17. A noise-limiting device shall be installed to all amplification equipment in use on the premises. The noise-limiting device shall be maintained in

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

#### **PROPOSED BY THE METROPOLITAN POLICE**

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

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

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

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

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

#### **PROPOSED BY THE LICENSING AUTHORITY**

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

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

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

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

**26. All training relating to the sale of alcohol and the times and conditions of the premises licence shall be documented and records kept at the premises.**



**These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.**

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

**28. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.**

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