

MUNICIPAL YEAR 2016/17 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
22 June 2016

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda - Part	Item
SUBJECT : Application to review a premises licence	
PREMISES : Silver Hawk Caribbean Jerk Cuisine, 68 High Street, ENFIELD, EN3 4ER.	
WARD : Ponders End	

1.0 LICENSING HISTORY

- 1.1 The premises licence (LN/201500631) for this premises was issued on 23 October 2015, naming Ms Alisha Patterson as both the named premises licence holder and Designated Premises Supervisor (DPS).
- 1.2 The application was subject to initial representations from the Police and Licensing Authority, who sought a reduction of hours to that proposed, and modification to conditions. Agreement to the amendments was met by all parties, and the representations were subsequently withdrawn.
- 1.3 On 2 March 2016, Ms Patterson applied for a Temporary Event Notice until 4am. The Police objected and Miss Patterson subsequently withdrew the TEN application.
- 1.4 On 16 March 2016, Ms Patterson applied for another Temporary Event Notice again until 4am. The Police objected and Miss Patterson subsequently withdrew the TEN application.

2.0 CURRENT POSITION:

- 2.1 The current Premises Licence permits:
 - 2.1.1 Hours the premises are open to the public: 11.30am to midnight daily
 - 2.1.2 Supply of alcohol (on supplies only): 12pm to 23:45 daily
- 2.2 A copy of a location map of the premises is attached as Annex 01.
- 2.3 A copy of the current Premises Licence is attached as Annex 02.

3.0 THIS APPLICATION :

- 3.1 On 10 May 2016 the Metropolitan Police Service applied for a review of the premises licence under Section 51 of the Licensing Act 2003 based on the

prevention of crime and disorder, the prevention of public nuisance, public safety and the protection of children from harm licensing objectives.

- 3.2 Licensable activities have been provided after the permitted times, and breaches of licence conditions have been established on a number of occasions. The Police seek to revoke the premises licence.
- 3.3 A copy of the application is attached as Annex 03.
- 3.4 Additional information from the Police has been provided and is attached as Annex 04.
- 3.5
- 3.6 The application was advertised in accordance with the requirements of the Licensing Act 2003.

4.0 RELEVANT REPRESENTATIONS :

- 4.1 The Licensing Authority support the Police review application have made representations based on the prevention of crime and disorder, prevention of public nuisance and public safety licensing objectives.
- 4.2 A copy of the Licensing Authority representation is attached as Annex 05.
- 4.3 The Licensing Authority has provided additional information which is attached as Annex 06.
- 4.4 On 7 June 2016, Miss Patterson submitted a signed statement in response to the review application, and is now attached as Annex 07.

5.0 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)].

Review:

- 5.5** 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].
- 5.6** Licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual. (Guid 11.21)

Decision :

- 5.7** 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 :
- 5.7.1** to modify the conditions of the licence;
5.7.2 to exclude a licensable activity from the scope of the licence;
5.7.3 to remove the designated premises supervisor
5.7.4 to suspend the licence for a period not exceeding three months;
5.7.5 to revoke the licence [Act s.52].
- 5.8** 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 8543

Annex 01



Silver Hawk Caribbean Jerk Cuisine, 68 High Street, ENFIELD, EN3 4ER

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



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Drg.No. 6800HR
Scale 1:1250
Date 09/06/2016



Ms Alisha Rochelle Patterson
53 Oaklands Road
Enfield
EN3 5LL

Please reply to Ellie Green
: Licensing Unit
PO Box 57, Civic
Centre
Silver Street, Enfield,
Middx EN1 3XH
E-mail : licensing@enfield.gov.uk
Phone : 020 8379 3578
Textphone : 020 8379 4419
Fax : 020 8379 2190
My Ref : LN/201500631
Your Ref : NOT PROVIDED
Date : 23rd October 2015

Dear Ms Alisha Rochelle Patterson

Licensing Act 2003

Premises : Silver Hawk Caribbean Jerk Cuisine, 68 High Street, ENFIELD, EN3 4ER

This letter concerns the application for a New Application Premises Licence under the Licensing Act 2003.

Please find the licence enclosed. Please check the details on the licence carefully, the Licensing Authority is prepared to correct any of our clerical errors within 28 days of the licence being issued.

Note - Transfers

On the grant of a transfer application, any notification or permit (under the Gambling Act 2005) in respect of gaming machines at the premises becomes null and void. A new notification or permit will need to be sought by the new holder of the premises licence (under the Licensing Act 2003) before gaming machines may be lawfully provided at the premises.

Please be advised that the licence does not override any restrictions on trading hours etc. that may apply to the premises in respect of planning permission and/or Sunday trading & etc.

The terms, conditions and restrictions of the licence must be complied with whenever the premise is used for licensable activities. Failure to comply with the licence is a criminal offence with, on conviction, a maximum fine of £20,000 and/or up to 6 months imprisonment.

The Licensing Enforcement Team advise as follows

In order to support premises in meeting the conditions of their licence, the Licensing Authority has produced material such as training guidance, leave quietly signs, refusals book, which can be found on the Enfield website by following this link:

http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

Please print the material relevant to the conditions and use in accordance with your licence.

Please be advised that a premises licence lapses if the holder of the licence : dies; becomes a person who lacks capacity (within the meaning of the Mental Capacity Act 2005) to hold the licence; becomes insolvent; is dissolved; or if it is a club, ceases to be a recognised club. An individual becomes insolvent on : the approval of a voluntary arrangement proposed by him; being adjudged bankrupt or having his estate sequestrated; or entering into a deed of arrangement made for the benefit of his creditors or a trust deed for his creditors. A company becomes insolvent on : the approval of a voluntary arrangement proposed by its directors; the appointment of an administrator in respect of the company; the appointment of an administrative receiver in respect of the company; or going into liquidation.

The licence, or a certified copy of it, must be kept on the premises at all times and must be produced on request to any authorised officer. The summary of the licence must be prominently displayed within the premises.

The London Fire Brigade advise as follows :

The issue of capacity should be addressed in the fire risk assessment for the premises use. This does not mean that every premises must have a capacity figure. There should be evidence however that the responsible person has considered the number of persons who can be safely evacuated through the available exits.

A safe capacity figure will be expected in the following circumstances:

- (1) in premises that could potentially become overcrowded; for example bars, pubs, clubs, and other places of public assembly ;
- (2) where an engineered solution or BS 9999 has been used to increase capacity;
- (3) where capacity is risk-critical; for example where the premises use has a higher occupancy factor than that which the building was designed for.

Where applicable, capacity should normally be inclusive of staff and performers. Management should be able to demonstrate a realistic method of controlling capacity.

Should you wish to change the operation of the premises in the future by adding new licensable activities or by changing the hours or removing conditions then you will need to apply for a variation of the licence. Please contact us for further advice.

You must notify the licensing authority of any change in the name and/or address of either the premises licence holder or the designated premises supervisor.

The licence is subject to an annual fee, payable on each anniversary of the licence first being granted.

Please be advised that if you are playing music in your business – to staff or customers – it is a legal requirement to obtain permission from the copyright holders. Two organisations exist to help make sure you are correctly licensed to play the music you want. PPL collects royalties on behalf of performers and record companies. PRS for Music collects royalties on behalf of songwriters, composers and music publishers. In most instances, a licence from both organisations is needed to ensure all copyright holders are correctly paid for the use of their music. If you play music in your business, please contact PPL and PRS for Music to obtain the right licences for you. Please visit ppluk.com and prsformusic.com for more information on music licensing or call PPL on 020 7534 1095 and PRS for Music on 0800 068 4828.

All employers have a responsibility to prevent illegal migrant working in the UK. Failure to comply could lead to a penalty of up to £10,000 per illegal worker. Home Office guidance is available at www.ukba.homeoffice.gov.uk/employers/preventillegalworking/

If you require any further information, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink, appearing to be 'EG' with a stylized flourish.

Ellie Green
Principal Licensing Officer

Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201500631

Part 1 – Premises Details

Postal address of premises :

Premises name : Silver Hawk Caribbean Jerk Cuisine

Telephone number : 020 8443 4700

Address : 68 High Street ENFIELD EN3 4ER

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

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

(1) Open to the Public - Whole Premises

Sunday :	11:30 - 00:00
Monday :	11:30 - 00:00
Tuesday :	11:30 - 00:00
Wednesday :	11:30 - 00:00
Thursday :	11:30 - 00:00
Friday :	11:30 - 00:00
Saturday :	11:30 - 00:00

(2) Supply of Alcohol - On Supplies

Sunday :	12:00 - 23:45
Monday :	12:00 - 23:45
Tuesday :	12:00 - 23:45
Wednesday :	12:00 - 23:45
Thursday :	12:00 - 23:45
Friday :	12:00 - 23:45
Saturday :	12:00 - 23:45

Part 2

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

Name : Ms Alisha Rochelle Patterson

Telephone number : Not provided

e-mail : silverhawkjerkcentreld@gmail.com

Address : 53 Oatlands Road, ENFIELD, EN3 5LL

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 : Ms Alisha Rochelle Patterson

Telephone number : Not provided

e-mail : silverhawkjerkcentreld@gmail.com

Address : 53 Oatlands Road, ENFIELD, EN3 5LL

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/201500451

Issuing Authority : London Borough of Enfield

Premises Licence LN/201500631 was first granted on 23 October 2015.

Signed :

Date : 23rd October 2015

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



Annex 1 - Mandatory Conditions

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

Annex 2 - Conditions consistent with the Operating Schedule

- 1. 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.**
- 2. 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.**
- 3. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 4. 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.**
- 5. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.**
- 6. Deliveries to the premises shall only be made between 09:00 - 19:00.**
- 7. All refuse and bottles shall be disposed of in bins quietly so as not to disturb neighbours or local residents. There shall be no disposal of glass bottles outside between 21:00 hours and 08:00 hours.**
- 8. After 21:00 children shall only be permitted to enter and remain on the premises if accompanied by an adult at all times.**
- 9. The premises shall install and maintain a comprehensive CCTV system.**
 - (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 period of 31 days with date and time stamping.**
 - (3) Recordings shall be made available immediately upon the request of Police or authorized 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 or authorized council officer recent data or footage with the absolute minimum of delay when requested.

10. An incident log shall be kept at the premises, and made available on request to an authorised officer of the Council or the Police, which will record the following:

- (1). All crimes reported to the venue**
- (2). All ejections of patrons**
- (3). Any complaints received**
- (4). Any incidents of disorder**
- (5). All seizures of drugs or offensive weapons**
- (6). Any faults in the CCTV system**
- (7). Any visit by a relevant authority or emergency service**

11. There shall be no entry or re-entry of patrons to the premises after 2300 hours every day.

12. There shall be no admittance of patrons from the rear entrance.

13. With the exception of gaming machines, 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.

14. A minimum of 6 prominent, clear and legible notices shall be displayed throughout the premises, including all the toilets, warning customers that drug use will not be tolerated.

15. 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) may be accepted.

16. All doors and windows shall be kept closed but not locked during opening times.

17. 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 they can be read by those leaving the premises.

18. A sign shall be displayed at the entrance to the premises informing customers of the last time of entry to the premises.

19. The supply of alcohol at the premises shall only be to a person seated taking a table meal there and for consumption by such a person as ancillary to their meal.

20. Notwithstanding condition (19), alcohol may be supplied and consumed prior to their meal in the designated bar area, by up to a maximum at any one time, of (6) persons dining at the premises.

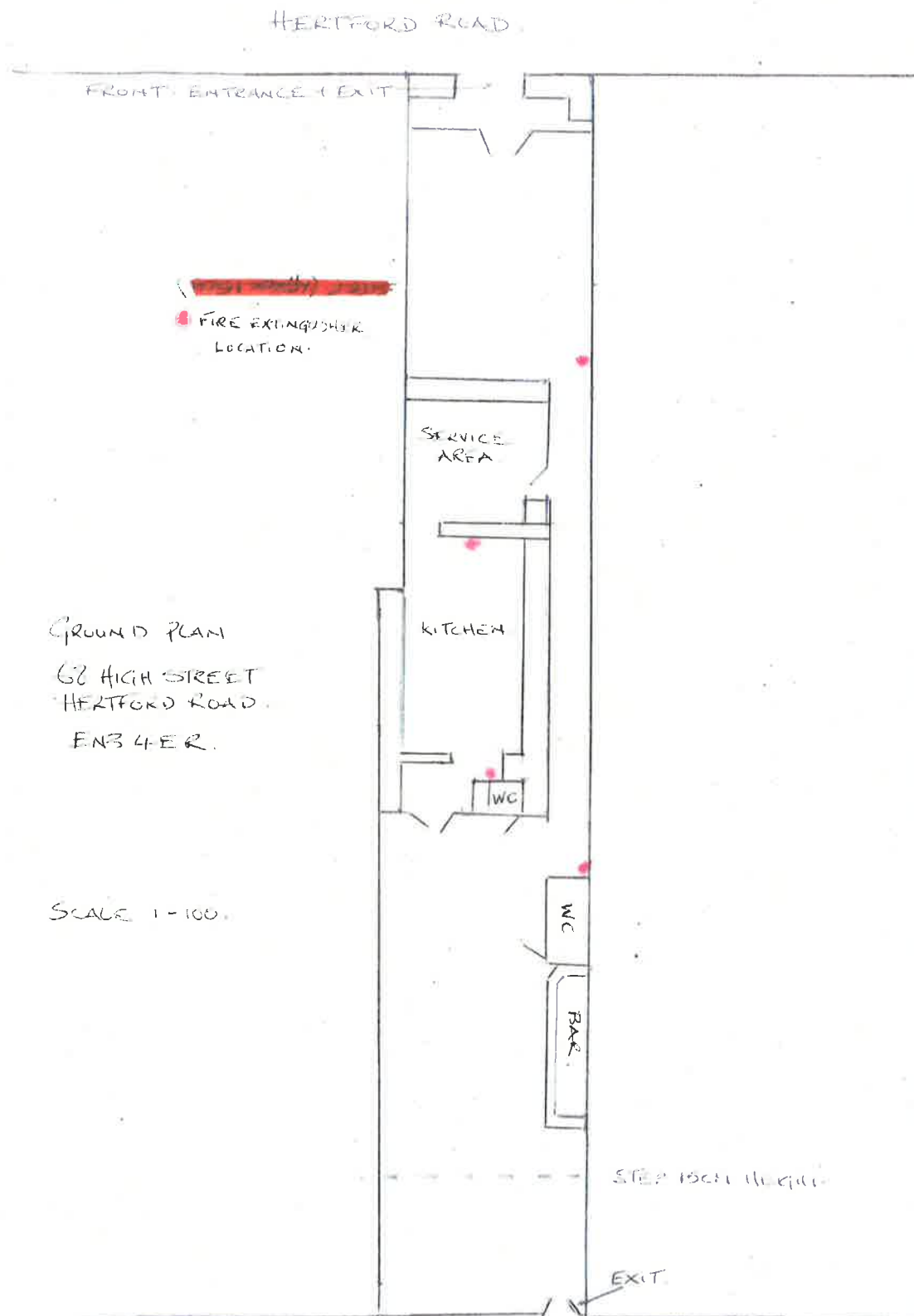
21. With the exception of gaming machines, there shall be no adult entertainment or services, activities or matters ancillary to the use of the premises that may give rise to concern in respect of children.

22. 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.

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

Not applicable

Annex 4 – Plans



WK 216011074

Annex 03

PROTECTIVE MARKING

METROPOLITAN
POLICE

TOTAL POLICING

Form 691

**Application for the Review of a Premises Licence or Club Premises Certificate
under the Licensing Act 2003****PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

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

I KAREN STAFF PC237YE ENFIELD LICENSING OFFICER**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:**

SILVER HAWK CARIBBEAN JERK CUISINE, 68 HIGH STREET,

Post town: ENFIELD**Post code:**
(if known)

EN3 4ER

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

MS ALISHA ROCHELLE PATTERSON

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

LN/201500631

Part 2 – Applicant details**I am:**

Please tick Yes

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

LONDON BOROUGH OF ENFIELD
RECEIVED

10 MAY 2016

ENVIRONMENT &
STREET SCENE

PROTECTIVE MARKING

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

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Any other title (e.g. Rev.) ☐

Surname:

First Names:

I am 18 years old or over ☐

Current postal address if different from premises address:

Post town:

Post code:

Daytime

Email: (optional)

Tel. No.:

(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 KAREN STAFF, EDMONTON POLICE STATION, 462 FORE STREET, EDMONTON, N9 0PW

Telephone Number (if any): 0208 345 4565

Email address: (optional) karen.staff@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 checked="" type="checkbox"/> |
| 4 The protection of children from harm | <input checked="" type="checkbox"/> |

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

PROTECTIVE MARKING

The Silverhawk Caribbean Jerk Cuisine is a restaurant with capacity of approx 35/40 patrons. The DPS is the PLH which has been held for 6 months. She is failing to promote all four of the licensing objectives, which are, The prevention of crime and disorder, Public safety, The protection of children from harm and The prevention of public nuisance.

Licensing officers have visited premises on 4 occasions. The premises has been seen to be operating outside of operating hours and on the 3 internal visits the DPS has breached numerous conditions of the licence.

Police do not have confidence in the ability of the PLH to deal with any issues that may arise as she does not appear to understand the licensing objectives, or in fact know what they are.

With each visit the PLH has been offered assistance and guidance, explanations have been given regarding each breach but unfortunately on the final visit there were still numerous breaches.

The PLH does not instill the Police with any confidence that she intends to or is capable of adhering to the conditions of the licence. The PLH appeared quite detached from it all, showed no emotion and was unable to offer reasonable explanations as to why all conditions had not been met. Police have serious concerns that the licensing objectives are not being promoted and that she will not be able to take on the added responsibility of the increased risk that will arise whilst operating.

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

PROTECTIVE MARKING

Below is a condensed version of events. A full statement with all facts has been written by PC237YE STAFF and is submitted with this form.

Premises licence obtained in Oct 2015 to run as a restaurant - drink ancillary to meals.

Since then the DPS has operated outside of her licensing conditions with noise complaints being received by police and also Police seeing at first hand breaches being made by still operating outside of hours.

Posters seen advertising promoted event and calling itself a wine bar.

In February a full licence inspection was made and 3 breaches to the Act and 8 breaches to the licence found. DPS offered help and advice and given contact no.

Nothing heard from her.

In March another full inspection made and all the same breaches were found. DPS again educated regarding promoting the objectives and confirmed she knew contact no and offered help and advice again.

Even though help was offered and advice given at each stage, at no time has the DPS contacted the Police for help.

In April another visit was made and again 2 breaches to the Act and 3 breaches to the licence were found and still the DPS did not appear to understand the severity of the situation and again appeared non plussed that conditions breached and in fact at this stage did not know what the licensing objectives were.

Police have no confidence in the PLH/DPS and due to not being able to adhere to the relatively simple task of her conditions she has not shown any ability in promoting the licence objectives.

In conclusion the Police seek to revoke the Licence. We do not feel a change in DPS will suffice as the current DPS is also the PLH and will therefore still have a controlling factor and it with her that the Police do not have any confidence. The MPS feel that these measures are wholly proportionate and reasonable and an appropriate measure to promote the licensing objectives.

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

☐

(Please tick yes)

PROTECTIVE MARKING

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: Kuestaff KC2374E Date: 10-5-16

Capacity: LICENSING OFFICER MET POLICE

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

Post town:

Post code:

Telephone Number (if any):

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

Notes for Guidance

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

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

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

Statement of **KAREN STAFF** URN:

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Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 230836**

This statement (consisting of: **2**..... 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: *Karen Staff PC 23746*

Date: 10-5-16

Tick if witness evidence is visually recorded ☐

This is a supporting statement regarding the review application for **SILVERHAWK CARIBBEAN JERK CUISINE**, 68 HIGH STREET, ENFIELD, EN3 43R. It will outline my concerns around the potential risks involved with continuing with this Licensed property.

I am the above named person and I have been a Police Officer for six (6) years on the borough of Enfield. I am now a Licensing Officer and my role includes visits to premises to ensure the licensing objectives are being upheld.

The **SILVERHAWK** restaurant is situated within a parade of other businesses with residential properties above. It consists of one (1) main entrance/exit door with a fire exit to the rear. The front part of the premises has a food service counter and seating for approx 10/15 people. The food counter has a selection of items that are suitable for sandwich fillings, there was no obvious sign of meals being served or offered. Behind the counter sits the kitchen. To the left is a small hallway that leads to the rear room. This has been kitted out with a bar and has seating for approx 15/20 people, it also has a pool table. I have attached a photograph of the front view of the premises for information. Exhibit no KMS/1

Below is information that will assist the licensing sub-committee consider our application.

23rd October 2015

Licence obtained by DPS to run as a restaurant. Drink ancillary to meals, no live music and premises closed by midnight.

Police received complaints of noise and of breaches to the licence with the venue operating until the early hours as a nightclub/bar with loud music disturbing neighbours.

Signature: *Karen Staff PC 23746*

Signature witnessed by:

2006/07(1): MG 11 (T)

RESTRICTED (when complete)

Continuation of Statement of **KAREN STAFF****14th February 2016**

Premises attended by Police.

Premises was operating at 0110 hours in the morning with patrons being allowed entry, the lights were low and loud music with an MC could be heard.

The metal shutters on the rear of the venue were also down but left open a foot above the ground. Loud music could be heard along with somebody on a microphone

The venue should be shut at 0000 hours and is conditioned to be a restaurant not a club as it appeared to be.

16th February 2016

Police conducted a licensing inspection.

The licence was inspected and there were eight (8) breaches to the licence found. There could possibly have been more, however the CCTV was unsurprisingly unavailable to view. This is a main concern.

Breaches to Licensing Act:-

Sec 57(7) Failure to produce a premises licence or a certified copy

Sec 135(4) Failure to produce a personal licence to a Police officer

Sec 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. - Operating at 0100 on 14/2/16

Breaches to premises licence:-

Annex 2 - 1,2,4,9,10,11,16,18

Inside the venue were professional looking posters promoting a previous event at the venue on the 30th January 2016 advertising itself as a wine bar.

The above matters and Police concerns were discussed with Alesha. She was warned and reminded that she is to run as a restaurant and not as a bar/nightclub. The added dangers that this brings were highlighted to her and in my opinion she did not appear to be aware of them which is a concern.

Notification of alleged offences under the Licensing Act 2003 was served to the DPS and fully explained.

2nd March 2016

TEN received for a party with recorded music until 0400.

3rd March 2016

Police conducted a further visit to venue. DPS in attendance.

Again there were the same breaches of the Licensing Act and numerous breaches of her licence conditions.

DPS explained that she was not yet operating in accordance with her licence, however, at the time of visiting alcohol was on view and being offered for sale at the bar with spirits in the optics/racks and price listings all still visible with no attempt to remove from public display. It was explained that this was a breach, which she struggled to understand.

DPS was asked about the event and how she would further promote the licensing objectives, she said she didn't know and that it was being arranged by the promoter.

Police tried to educate the DPS as to the importance of adhering to the conditions and what they are promoting.

Contact details were given so that she could clarify things if she did not understand.

Police put in an objection to the TENS

20th April 2016

A further licensing inspection took place and unfortunately there were still breaches of her licence:-

Sec 57(7) Failure to produce a premises licence or a certified copy

Sec 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on

Offering Alcohol for sale

As per premises licence Annex 2 - 4,9,10

When asked about the alcohol the DPS stated that the spirits in the optics had not been there on Monday when another Licensing Officer had attended on a reassurance visit. She stated that another member of staff put them back. It was explained that she was the DPS and therefore needs to be in control. It was obvious that the alcohol had been put back up for sale once the officer left. Although CCTV is installed the DPS has not done so in accordance with the conditions and the entrance/exits were not covered. Also the DPS was not knowledgeable

Signature: *Karen Staff*

Signature witnessed by:

Continuation of Statement of **KAREN STAFF**

enough of the system to catch a particular time or download any images. At this stage after 3 inspection visits it is very concerning that conditions are not being met. There is no confidence that if the bear minimum of adhering to the premises licence conditions are not being met, then the Police have no confidence that the DPS can operate this venue responsibly promoting the licence objectives. The DPS has also put on promoted events and these bring their own added risks, so much so that venues that regularly hold these events submit a detailed risk assessment form to a Police Intelligence Team who conduct checks on Police Indices to identify any known risks at the time. This form is a Met Police Form 696 and to this date the Police have not received a 696 from Silverhawk restaurant. The DPS does not appear to understand or appreciate the importance of promoting the objectives. In fact when asked on the last visit if she knew what they were, she replied she did not. The potential for disorder, nuisance and violence is high.

Ms PATTERSON is the PLH and DPS for this venue. At the application stage and at every meeting or visit since, Police contact details have been left or confirmed with her, offering help and advice. At no time has Ms PATTERSON contacted the Police Licensing Team.

This premises has had a premises licence for 6 months now and at no point has the licence been adhered to. In fact there is worrying evidence that has since come to light to suggest unlicensed activity was taking place long before this.

Ms PATTERSON has been complacent in running this venue in breach of her licence and showing a disregard to the licensing objectives. The onus is on Ms PATTERSON to promote the licence objectives and she is clearly failing to do so. The Police have made repeated attempts to ensure compliance but to no avail.

Ms PATTERSON does not own the business/building which in itself creates difficulties.

The Police contend that there are no other alternatives but to seek the revocation of the licence.

The MPS feel that this measure is wholly proportionate and reasonable and an appropriate measure to promote the licensing objectives and reduce the risk of crime, disorder, public safety and nuisance.

Signature: 

Signature witnessed by:

Witness contact details

Home address: **C/O EDMONTON POLICE STATION** Postcode: **N9 0PW**

Home telephone number Work telephone number **02083454565**

Mobile/pager number Email address: **karen.staff@met.pnn.police.uk**

Preferred means of contact:

Male-/ Female (delete as applicable) Date and place of birth: **22/06/1961**

Former name: Ethnicity Code (16+1): **W1** Religion/belief:

Dates of witness non-availability**Witness care**

- a) Is the witness willing and likely to attend court? Yes / 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?
Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes ☐ No ☐
- b) I have been given the Victim Personal Statement leaflet Yes ☐ No ☐
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes ☐ No ☐
- d) I consent to police having access to my medical record(s) in relation to this matter:
(obtained in accordance with local practice) Yes ☐ No ☐ N/A ☐
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes ☐ No ☐ N/A ☐
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes ☐ No ☐
- 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 decline their services: ☐

Signature of witness: Print name:

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

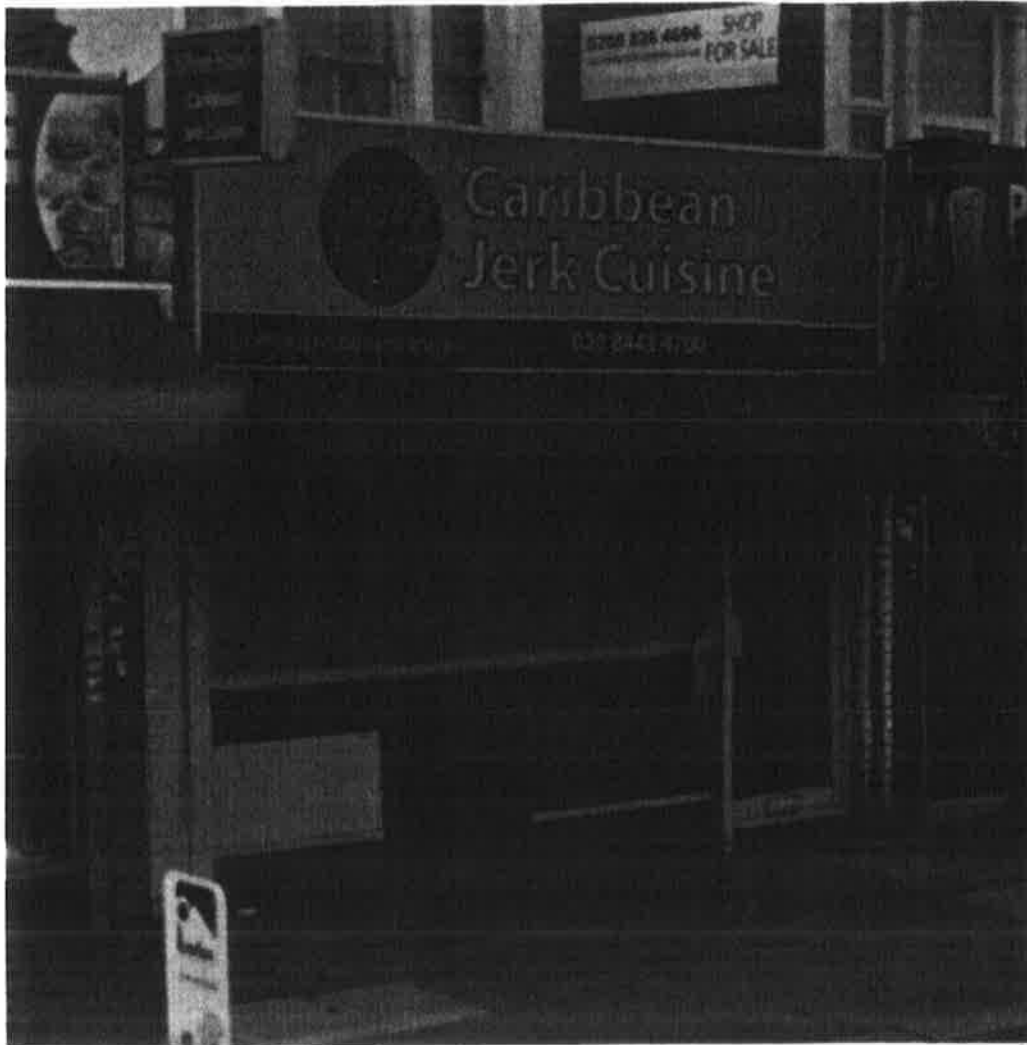
Address and telephone number if different from above:

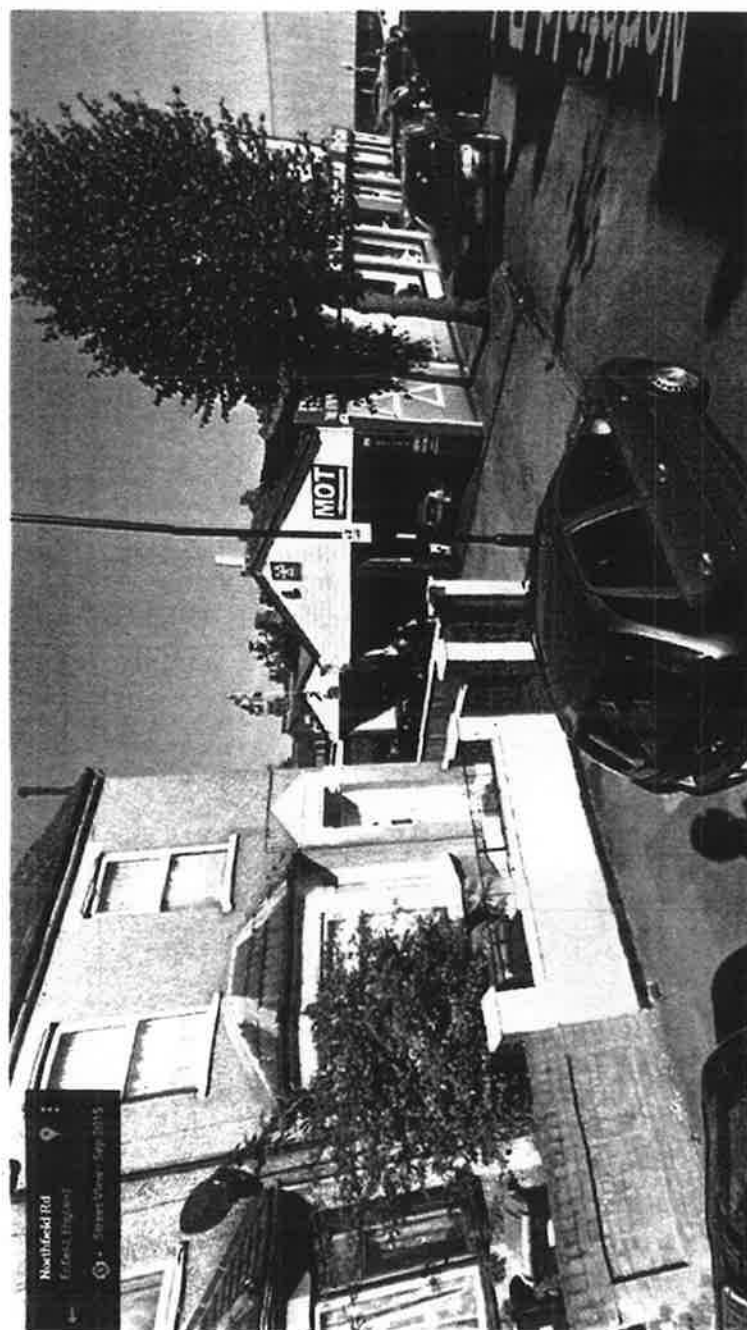
Statement taken by (print name): **PC 230836 STAFF** Station: **EDMONTON**

Time and place statement taken: **22/04/2016**

4ms/1.

ANNEX 1.





RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

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

Statement of **KAREN STAFF** URN:

--	--	--	--

Age if under 18 **Over 18** (if over 18 insert 'over 18') Occupation: **Police Officer 230836**

This statement (consisting of: **2**..... 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: *Karen Staff* Date: *12-6-16*

Tick if witness evidence is visually recorded ☐

This is an additional statement with regard to the review application for SILVERHAWK CARIBBEAN JERK CUISINE, 68 HIGH STREET, EN3 4ER.

I would like to introduce 3 exhibits. These are downloads of posters taken from the Facebook page of the above restaurant. They show that the venue is advertised as a licensed Wine Bar and that they are promoting unlicensed activities by offering late night refreshment and regulated entertainment. They also show they are opening beyond their licensing hours by offering admission free before 1am and then charging admission after. The venue should be closed at midnight.

The exhibit no's are KMS/2, KMS/3 and KMS/4

I would also like to exhibit a copy of the Notification of alleged offences issued on 16/2/16 - exhibit no KMS/5, a copy of a record of a visit to licensed premises form 695 for 20/4/16 - exhibit no KMS/6 and a copy of a letter sent to the DPS/PLH on 28/4/16 regarding the visit above and our intentions to request a review hearing - exhibit no KMS/7.


It is still our intention to seek revocation of the licence as Ms PATTERSON has failed to adhere to the licence conditions during each and every visit we have made. Although there have not been any incidents of crime and disorder reported our concern is that, due to the nature of the events she wishes to promote, there is a strong possibility that this may happen and if Ms PATTERSON is unable to or unwilling to promote the licensing

Signature: *Karen Staff* Signature witnessed by:

Continuation of Statement of **KAREN STAFF**

objectives then we have no confidence in her during these times where the risk of crime and disorder is much higher.

By revoking the licence it does not stop Ms PATTERSON being able to run a restaurant business.

Signature: 

Signature witnessed by:

NICE & SLOW

KMS 12



EASTER EXTRAVAGANZA

Music on the nite

BATMAN SOUND

(Wid Flip & Issac Natural)

FRIENZ KONNECTION

(Courtney Mac & Crew)

Dress Code: Smart / Casual

(No Caps Hoodies or Trainers)

Doors Open: 10:30pm Till Late

(No Entry After 3am Come Out Early)

Admission: FREE B4 1am £5 After

Sea Food On Sale

For Info & Table Booking Call

0208 443 4700 / 07900 620 411

Design & print by: Frenz Konnection. WhatsApp: 0742 533 3147
twitter.com/courtneymacdj

Presents

KMS/3.

NICE & SLOW



VALENTINES PARTY

Sat 14 Feb 2k15

@ Silver Hawk Wine Bar

(Licence Wine Bar)

68 High St Hertford Rd Enfield EN34ER
(Opposite The ASDA, Ponders End)



Share

Silverhawk

Pool Lounge ^{Sky}
Table Bar

Each and

every

Friday enjoy the

VibeZ from guest
DJ!

KMS/4

KMS/S



Police Copy

Notification of alleged offences under the Licensing Act 2003

Venue Name: SUNNY HILL CARIBBEAN JAZZ CLUB REF: (CAD/CRIS etc.)

Address: 100 HIGH STREET, LONDON E1 1AA

Date: 15/11/15 Time: 1300

Details of person in charge at the relevant time: ALISON HILL

DPS ☒ Personal Licence Holder ☐

Summary of alleged offences identified

- ☐ Section 57(4) Failure to secure premises licence or a certified copy at the premises or to prominently display a summary of the licence.
- ☒ Section 57 (7) Failure to produce a premises licence or a certified copy.
- ☐ Section 109 (4) Failure to secure that a copy of the Temporary Event Notice (TEN) is prominently displayed at the premises or secure that a copy of the TEN is in the custody of an appropriate person.
- ☐ Section 109 (8) Failure to produce a TEN to a police officer.
- ☒ Section 135 (4) Failure to produce a personal licence to a police officer.
- ☒ Section 136 (1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on. (Sec19 issued Y ☐ No ☒)
- ☐ Section 137 (1) Exposing alcohol for retail without an authorisation. (Sec19 issued Y ☐ No ☐)
- ☐ Section 138 (1) Keeping alcohol on a premises for an unauthorised sale. (Sec19 issued Y ☐ No ☐)
- ☐ Section 140 (1) Knowingly allowing disorderly conduct on a licensed premises.
- ☐ Section 141 (1) Knowingly selling or attempting or allowing alcohol to be sold to a person who is drunk.
- ☐ Section 144 (1) Knowingly keeping or allowing non duty paid goods or unlawfully imported goods to be kept on premises.
- ☐ Section 145 (1) Allowing an unaccompanied child on a premises (used primarily or exclusively for the sale of alcohol).
- ☐ Section 146 (1) Selling alcohol to an individual aged under 18.
- ☐ Section 147 (1) Knowingly allowing the sale of alcohol to an individual under 18.
- ☐ Section 153 (1) knowingly allowing an individual under 18 to make an unsupervised sale of alcohol.
- ☐ Section 179 (4) Intentionally obstructing any authorised person exercising a power of entry under section 179.

Details of alleged offence(s) including relevant Cad and Crime report details:

AS PER PREMISES LICENCE NUMBER 2, 1, 2, 4, 9, 10, 11, 16, 18.
UPPERMENT. AS PER 14/2/16

Issuing officer: Sgt C. G. 1546 Print: PC GARY HARRIS

I acknowledge receipt of this form: (venue) SUNNY HILL CARIBBEAN JAZZ CLUB

The purpose of this notice is to inform you that the failure to comply with the Licensing Act 2003 may result in the police initiating criminal proceedings against the DPS, premises licence holder, or both. This notice may also be used in evidence to support a review of the premises licence pursuant to section 51 Licensing Act 2003 and/or an application for a closure order under section 20 Criminal Justice and Police Act 2001

RESTRICTED

Kms/b.

Form 695


**METROPOLITAN
POLICE**
TOTAL POLICING
Licensing Act 2003 - Record of Visit to Licensed Premises
Details
Name of Premises: SILVER HAWK JERK CUISINE

Address of Premises: 68 HIGH STREET EN3 4ER

Premises Type / Event: RESTAURANT/BAR

Date of Visit: 20/04/2016

Time Of Visit: 1550

Officers in Attendance

1. PC GARY MARSH CLT

CAD Reference:

2. PC JASON ROSE CLT

CRIS Reference:

3. PC KAREN STAFF YE LICENSING TEAM

CRIMINIT Reference:

4.

Premises Details
Is the Premises Licence Summary displayed and correct?

 Yes ☒ No ☐
Is the Designated Premises Supervisor (DPS) present?

 Yes ☒ No ☐
Record details of DPS personal Licence (include full name, issuing authority and lic No.)

MS ALISHA ROCHELLE PATTERSON LBE LN/201500451

DPS Contact No.: 0208 443 4700

If No DPS is present provide details of person in charge: N/A

Record details of personal Licence (include full name, issuing authority and lic No.)
Is the full premises Licence or an endorsed copy available?

 Yes ☐ No ☒
What is the capacity of the premises if shown on premises licence?
How many persons present (rough headcount)?

0

What process is used to record customer numbers (clicker, tickets head count etc)?

NONE AT PRESENT

RESTRICTED

Details of Door Staff

Are Door Staff required by licence conditions?

Yes ☐ No ☒

Number of Door staff on duty

Male:

Female:

Name of Security company

[illegible]

Operation of Premises

Is CCTV required by the licence?

Yes ☒ No ☐

If no is CCTV installed?

Yes ☐ No ☐

Is there a member of staff trained and available to operate the CCTV system?

Yes ☐ No ☒

Is CCTV operating correctly and in accordance with any licence conditions?

If no detail defects

Yes ☐ No ☒

20/04/16

Are customers searched prior to entry? What is the procedure?

NO

Is the search area covered by CCTV?

Is there a system for recording or verifying customer details and age, what is the system? (Passport, driving licence PASS card or use of ID scan, entry scan, or other biometric screening systems)

Does the venue operate any drinks promotions?

If yes provide details

Yes ☐ No ☒

Details of the Premises age verification policy (e.g. challenge 21/25)

CHALLENGE 25

RESTRICTED

Toilets and public areas

Toilets

Are the toilets regularly checked by staff?

Yes ☐ No ☐

Is there a Toilet attendant?

Yes ☐ No ☒

Are the toilets covered by CCTV?

Yes ☐ No ☒

Are the toilets and environs well maintained?

Yes ☐ No ☐

Is there any evidence of drugs use in this area?

Yes ☐ No ☒

If yes detail evidence (drugs paraphernalia, or evidence obtained from drugs swipes or drugs itemiser)

Smoking area:

Is there a designated smoking area?

Yes ☐ No ☒

Is it covered by CCTV?

Yes ☐ No ☐

Is it controlled by staff?

Yes ☐ No ☐

Is there a re-entry search policy?

Yes ☐ No ☐

Public areas:

Is the ambient lighting in public areas adequate?

Yes ☒ No ☐

Is there a VIP area?

Yes ☐ No ☒

Does CCTV cover public areas and dancefloor?

Yes ☒ No ☐

Do staff regularly clear glassware?

Yes ☐ No ☐

Does the premises use plastic drinkware?

Yes ☐ No ☒

Is there a cloakroom?

Yes ☐ No ☒

Does the premises have a Medical facility/room?

Yes ☐ No ☐

What percentage of the premises is given over to seating and tables?

50 %

Premises Staff

How many staff are on duty?

1

How many Personal Licence Holders on site?

1

Are staff training records available?

Yes ☒ No ☐

Is there a trained first aider on duty?

Yes ☒ No ☐

General attitude of staff

Helpful ☐ Unhelpful ☐ Obstructive ☐ Other ☒ Indifferent

RESTRICTED

Actions

Have any breaches in licensing conditions been identified?

Yes ☒ No ☐

Details of breaches

Section 57, section 136, As per premises licence Annex 2 - Sections 4, 9 (1,2,3,4,5) and 10.

Section 19 (Police and Criminal Justice Act 2001) Closure notice issued?

Yes ☐ No ☒

Is an action plan required as a result of this visit?

Yes ☒ No ☐

Is a warning letter required as a result of this visit?

Yes ☐ No ☐

Detail grounds for action plan and or warning letter?

DPS has had 3 visits from licensing officers, each time numerous breaches to licence has been found. Advise, offer of assistance and help have been given but DPS unable to reach appropriate standard and appears to not understand the fundamental basics of licence conditions.

Are there other offences or issues relevant to partner agencies (ie fire, environmental health, HM Customs and Excise, Etc).

Appropriate Agency:

Details:

Details of whom referral passed to

Does the premises require a further visit?

Yes ☐ No ☒

By what date should this visit be completed

General Notes

Further action by Licensing Office

Review to request revocation of licence.



**METROPOLITAN
POLICE**

Working together for a safer London

TERRITORIAL POLICING



**London
CRIMESTOPPERS**

0800 555 111

Uniting against crime

KMS/7

28/04/2016

Premises Licence
Holder/DPS

Ms Alisha PATTERSON
Silverhawk Caribbean
Jerk Cuisine
68 High Street
EN3 4ER

METROPOLITAN POLICE
Enfield Licensing Team
Enfield Borough Police
462 Fore Street
Edmonton
Middlesex

Office : 0208 345 4565

Mobile :

Facsimile :

RE: Licensing visit conducted on 20th April 2016

Dear Alisha

This letter is in reference to the recent inspection conducted by officers from the Licensing Team to SILVERHAWK CARIBBEAN JERK CUISINE.

Your licence was discussed and there were two (2) breaches under the Licensing Act and three (3) breaches under your licence.

Sec 57(7) Failure to produce a premises licence or a certified copy

Sec 136(1) Carrying on or attempting to carry on a licensable activity on or from any premises otherwise and in accordance with an authorisation or knowingly allowing a licensable activity to be carried on

Annex 2 of premises licence

Sec 4 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 local authority upon request and shall be kept for at least one year from the date of the last entry.

Sec 9 (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 period of 31 days with date and time stamping.

(3) Recordings shall be made available immediately upon the request of Police or authorized 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 or authorised Council officer recent data or footage with the absolute minimum of delay when requested.

Sec 10 ***An incident log shall be kept at the premises and made available on request to an authorised officer of the council or the Police.***

This was very disappointing considering you had had two (2) previous visits from the team bringing your attention to the breaches under your licence and making the effort to educate and assist you. Contact details were given to you to request assistance should you need it.

In view of this we do not feel confident that you are able to promote the licensing objectives and in fact will not be able to cope with the risks involved in running a licensed premises. You have not shown to us that you have an understanding of the objectives and fear that there is a high risk of crime and disorder occurring. By failing to adhere to your conditions you are committing criminal offences and failing to promote the licensing objectives.

It is now our intention to request a review with the Licensing Authority to revoke your premises licence.

The Metropolitan Police as a Responsible Authority under the Licensing Act 2003 reserve the right to initiate a Review of your Premises License and take enforcement action with reference to the commission of offences under the Licensing act 2003.

Yours sincerely,

PC Karen STAFF 237YE

Enfield Borough Licensing Team

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: Silver Hawk Caribbean Jerk Cuisine
68 High Street
Enfield,
EN3 4ER

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 granted on 23/10/15. The application was made in part following a visit by Licensing Enforcement Officers in May 2015 who witnessed unlicensed activities taking place. **See Appendix 1.** During the application process both I and Police Licensing Officer, PC Gary Marsh met with the applicant. I made the applicant aware that noise complaints had been received by the council about loud music coming from this premises in the past and PC Marsh made them aware of his concerns that people might try and hire out the venue for club nights.

The applicant was also advised that alcohol licensed premises are automatically entitled to provide recorded music until 23:00 without the need for it to be listed on their licence. Given this information and the previous noise complaints the applicant agreed to remove recorded music from their application and to only provide it until 23:00.

The premises is currently licensed to provide the following activities:

Activity	Current Hours
Opening Hours	11:30 – 00:00 everyday
Supply of Alcohol (on)	12:00 – 23:45 everyday
Recorded music	Unlicensed – <i>no licence needed for alcohol on sale premises until after 23:00</i>
LNR	23:00 – 00:00 everyday

This review application (submitted by the police) is the result of breaches of licence conditions and licence times.

Location:

This premises is located in a parade of shops on High Street, Enfield. There are residential properties above some of the shops, and in nearby side streets.

Cumulative Impact Policy (CIP)

This premises is located in a Cumulative Impact Policy (CIP) area. The current licensed hours are within those specified in the CIP. As demonstrated in the CIP this location is an area of concern in relation to crime and disorder and public nuisance.

Police Intelligence Reports and statements

In the 8 months since this licence was granted police have witnessed repeated alleged breaches of the Licensing Act 2003 and repeated alleged breaches of licence conditions.

These have led to a lack of confidence in the current DPS' ability to comply with the licence. They appear to have handed control of the business over to club night promoters. The current DPS does not appear to appreciate the consequences of committing the alleged offences or allowing the licence breaches to occur.

By virtue of the entry into force of Section 85 of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 on 12 March 2015, a number of offences under the Licensing Act 2003 are no longer limited to the previous statutory maximum financial penalty of £20,000.

The maximum penalties for some of the less serious offences remain unchanged – and indeed some offences remain limited to £5,000 or less. However, there is now no statutory limitation for the more serious offences, such as: Carrying on unauthorised licensable activities (s136).

Breaching licence conditions and or trading after the licensed hours are offences under s.136 of the Act.

Had the premises been licensed to trade as a nightclub then a whole range of additional conditions would have been requested especially in relation to promoted events.

The layout of the premises is such that from the front most people wouldn't realize that there was a room at the back of the premises. There are some tables in the back room but if these were moved back it is estimated that the venue would hold around 80-100 people if standing in line with a vertical drinking venue such as a wine bar.

Council Records since Licence Issued

27th December 2015 – 05:46 – Noise complaint received from local resident stating that the last two Saturday nights until 05:30 / 06:30 on Sunday morning residents have been disturbed by loud music, amplified noise and rowdy drunk customers shouting and arguing in the street. The complainant advised that there was no noise team available at this time and that there have been previous problems with this address.

22nd January 2016 – An officer spoke to the complainant who said that there have been no further issues. They said most of the problems were over the Christmas period and that they started during the early hours of the morning. The main issues were loud music and people noise and men and women urinating outside the back of

the premises. The officers phoned the premises and spoke to a member of staff called Sharon. The Premises Licence Holder was not on site. The member of staff said that the 26th December was their Christmas party. Advised her of complaint and left details asking PLH to call officer to discuss. No return call received.

Planning

The Planning Enforcement Team is currently investigating this premises as they are trading without the necessary planning permission.

P13-02743PND - there was a Notification made for the property to operate as an A3 Use for 2 years from 23/9/2013.

There have been no applications for a formal change of use and the property has not reverted to its original A1 use and the current use of the property is therefore unlawful.

P/App - P12-03184PLA for - 'Change of use of ground floor from (A1) to restaurant (A3) together with extractor flue at rear and alterations to shopfront' was refused.

Conclusion:

The Licensing Authority has no confidence in the current Premises Licence Holder / DPS as a result of the repeated alleged breaches and offences witnessed by the police and therefore support the police review to revoke the licence.

If the Licensing Sub Committee is not minded to revoke the licence in its entirety the Licensing Authority recommends that they consider removing the Designated Premises Supervisor and suspending the licence until a new DPS has been appointed and compliance with all of the licence conditions has been demonstrated to the satisfaction of the police.

I wish to make representation on the following licensing objective:

- **Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:



Date: 06/06/2016

REF: WK/

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

Premises Name	1150X 5th Floor	
Premises Address	1150X 5th Floor	
Time of Visit:	Start: 10.30	Finish: 11.15





During an inspection of your premises on 11.11.2011, the following was checked:

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

No. of condition not in compliance	Evidence/Advice
	1. No. of conditions not in compliance
	2. Evidence/Advice
	3. Evidence/Advice
	4. Evidence/Advice
	5. Evidence/Advice
	6. Evidence/Advice
	7. Evidence/Advice
	8. Evidence/Advice
	9. Evidence/Advice
	10. Evidence/Advice

Any other matter(s) that need addressing:

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

LICENSING ENFORCEMENT	RECIPIENT OF NOTICE
Signature of Officer on visit: 	Signature: 
Print Name: 	Print Name & Position: 

Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 020 8379 1767
 Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or licensing@enfield.gov.uk.

Download the appropriate application forms at http://www.enfield.gov.uk/info/200007/licensing_and_registration.

Material such as leave quietly signs, training guidance and refusals book is available to download and print at http://www.enfield.gov.uk/downloads/download/2316/compliance_documents

**LICENSING AUTHORITY REPRESENTATION****ADDITIONAL INFORMATION**

Name and address of premises: Silver Hawk Caribbean Jerk Cuisine
68 High Street
Enfield
EN3 4ER

Type of Application: Review of Premises Licence

Detailed below is additional information not previously included in the representation submitted on 06.06.16:

07.06.16 – Screen shots printed off from premises Facebook page showing premises advertising itself as a wine bar and flyers advertising events where DJs will be performing at events. These show payment is required if entering after 01:00. The premises should not be open at this time. There were no TENS in place on the dates being advertised. **See Appendix 2a-f.**

13.06.16 – Checked the premises Facebook page but it no longer appeared active. **See Appendix 3.**

Additional Information

Appendix 1 has not photocopied very well so a transcript of the inspection report is given below:

Saturday 23rd May 2015

23:50 – 00:15

Music heard in rear room, alcohol seen in rear room.

Food served at 23:50 to two males with no late night refreshment licence.

Please remove alcohol from premises and close back door.

Signed by Officer – Jo Falzone and Alisha Patterson – Director.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

Date: 13/06/2016

Appendix 2a


https://www.facebook.com/profile.php?id=100002883324903/Silverhawk

File Edit View Favorites Tools Help

https://support.office Web Slice Gallery

Silverhawk Caribbean Jerk Cuisine

Home Find Friends

 Silverhawk Caribbean Jerk Cuisine

Add Friend Message

Timeline About Friends Photos More

DO YOU KNOW SILVERHAWK?

To see what he shares with friends, send him a friend request.

Add Friend

Intro

From London, United Kingdom

Photos

Silverhawk Caribbean Jerk Cuisine shared a link 25 mins

 ITS BRAAP ~ ITS LIFE!! : The People's Festival~ A Free Party In The Park! Saurday 11th June

Chat (4)

150% 12:29 07/06/2016

Appendix 2b

https://www.facebook.com/silverhawk.php?fbid=3479575490615378&source=ufi&__ftid=20009888206 (3) Silverhawk Caribbean Je...

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Silverhawk Caribbean Jerk Cuisine
14 October 2015

Come down to SilverHawk lounge bar and have some jerk cuisine and a alcohol beverage. Play a game a pool. watch sky sports on 90inch screen and enjoy the reggae vibes from our dj each and every Friday!

Share

14

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https://www.facebook.com/photo.php?fbid=1295243064170355&set=a.589040375328990... (3) Silverhawk Caribbean Le...

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DE'ULTIMATE PROMOTION

*Brings To You
A Night Called*




Rock Da Riddim
Nice & Slow

SATURDAY 6TH FEBRUARY 2016
(THEN EVERY SATURDAY THEREAFTER)
TO BE HELD AT
SILVER HAWK WINEBAR
68 HIGH ST, PONDER'S END, ENFIELD EN3 4ER



Lex Johnson
6 February

NO SPORTSWEAR, NO TRAINERS
Pls Share. As Sharing Is Caring.
www.sharingiscaringlogo.com

150%

12:37 07/06/2016

Appendix 2d.

facebook.com profile.php?id=100033602390096&v=photo

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DE'ULTIMATE PROMOTION

Rock Da RUDIM Nice & Slow

SATURDAY 6TH FEBRUARY 2016
SILVER HAWK WINEBAR
68 HIGH ST, PONDERSEND, ENFIELD EN3 4ER

BE ENTERTAIN BY YOUR HOST
GUVENOR GENERAL

YOUR DJ'S
DJ STEIN
(THE SYSTEM)
DJ LEE

STRICTLY OVER 18S & NO SPORTSWEAR SECURITY TICKET BUT POLITE

DOORS OPEN AT 11PM - LATE

SUPPORTED BY DE'ULTIMATE PROMOTION
SPONSORED BY SILVER HAWK WINEBAR

FREE BY 1AM THEREAFTER £10

Sharing Is Caring
www.sharingiscaringlogo.com

Lex Johnson
6 February

TONIGHT, TONIGHT, TONIGHT, TONIGHT
FREE, FREE, FREE, FREE, FREE, FREE, FREE
BEFORE 1AM, BEFORE 1AM, BEFORE 1AM
THEREAFTER £10, THEREAFTER £10
Pls Share, As Sharing Is Caring.
www.sharingiscaringlogo.com

150%

12:38
07/06/2016

Appendix 2e

https://facebook.com/profile.php?id=105068887296003&ref=ts (3) Silverhawk Caribbean Je...

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https://support.office Web Sites Gallery



Lex Johnson
9 February

THIS SATURDAY NIGHT SPECIAL.
FREE BEFORE 1AM T!
Pls Share, As Sharing!
www.sharingiscaringlog

Share

2 shares

DE'ULTIMATE PROMOTION
BRING TO YOU A NIGHT CALLED

Rock Da
ROOM
Nice & Slow

A VALENTINES SPECIAL
SATURDAY 13TH FEBRUARY 2016
SILVER HAWK WINEBAR
68 HIGH STREET, DUNDAS ROAD, ENFIELD EN3 4ER

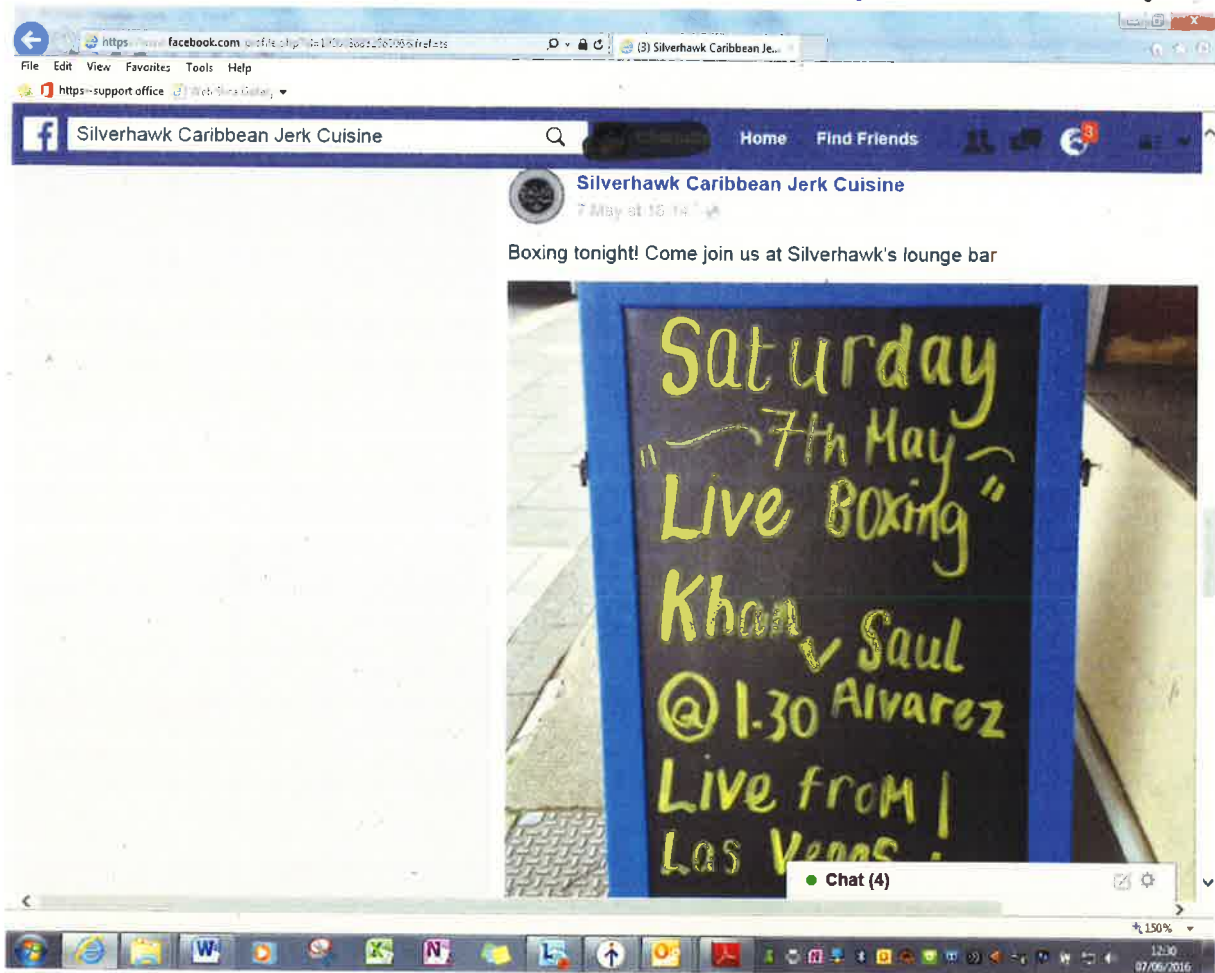
WITH A LIVE UK PA BY UKS NO.1 LOVERS ROCK SINGER
WHERE YOU WILL BE ENTERTAIN BY YOUR HOST
GUVERNOR GENERAL
YOUR DJ
PD COOLIE
(KNIGHT RAVERS SOUND)

STRICTLY OVER 18S & NO SPORTSWEAR SECURITY DASH BUT NO ID
DOORS OPEN AT 11PM - LATE
FREE BEFORE 1AM THEREAFTER (DJ)
SUPPORTED BY DE'ULTIMATE PROMOTION
SPONSORED BY SILVER HAWK WINEBAR

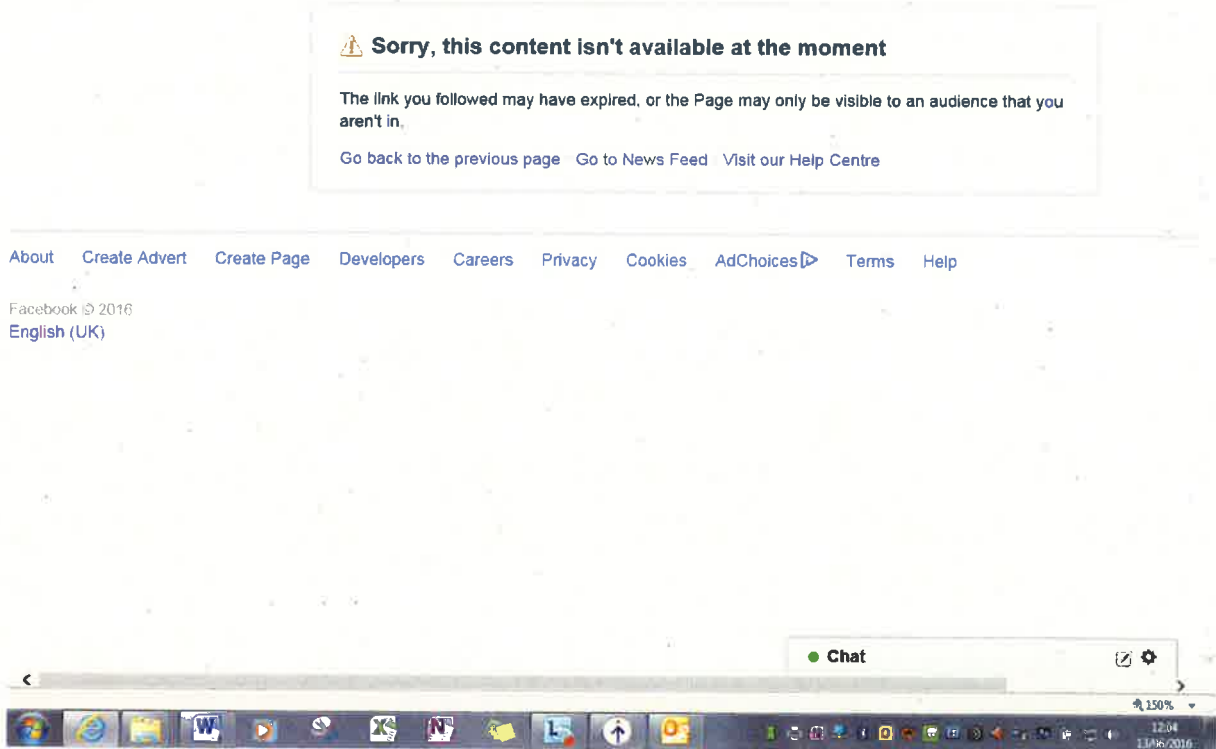
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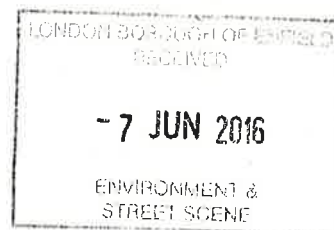
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Appendix 2f.



Appendix 3



LONDON BOROUGH OF ENFIELD LICENSING SUB-COMMITTEE

**APPLICATION TO REVIEW THE PREMISES LICENCE IN RESPECT OF THE
PRMISES KNOWN AS SILVER HAWK CARIBBEAN JERK CUISINE, 68 HIGH ROAD,
ENFIELD, LONDON,**

WITNESS STATEMENT

This statement (consisting of 4 pages) is true to the best of my knowledge and belief.

I, Alisha Rochelle Patterson, of the Silver Hawk Caribbean Jerk Cuisine, 68 High Road, Enfield, London,.. will say as follows:

1. I am the Designated Premises Supervisor in respect of the Silver Hawk Caribbean Jerk Cuisine, 68 High Road, Enfield, London, EN3 43R ("the Premises").
2. The Premises licence number is LN/201500631.
3. I am over 18 years of age. I am of good character.
4. I have been served with an application to review the Premises Licence in respect of the premises that has been submitted by PC Karen STAFF the licencing officer of the Metropolitan Police Service (MPS) covering out area. I refer to matters contained within his statement that accompanied that application.
5. I believe that this is an unfounded application and ask that the Sub-committee reject it.
6. There is an undercurrent, both in the statement of PC Karen Staff and the general demeanour of police officers who attend the premises, that it will attract gangsters and people from opposing gangs. I do not know where that belief comes from and would like an explanation. I would also like to know how many of the non-Caribbean restaurants that are in the same area as the Premises, have had his raised as a reason for a licence review.

7. Before referring directly to the matters raised in the statement if PC Karen Staff, it should be noted that since the Premises opened there have been:

- No incidents of crime and disorder
- No incidents causing public nuisance
- No incidents risking public safety at the premises; and
- No incidents risking the Protection of Children from Harm at the premises.

8. I shall now respond to the assertions contained in the statement of PC Karen Staff:

- 23 October 2015

We were not informed of these complaints and neither the police nor the Environmental Health Services visited the Premises. It is not said in the statement what these supposed breaches of our licence were. We were not operating as a nightclub/bar.

- 14 February 2016

This was a private party and if the police had come into the premises, which we would have allowed them to do, then they would have seen that. There were no members of the public allowed in. On this occasion we should have applied for a temporary licence and we did not. Since then if we have wanted to have an event that is outside our licencing hours we have applied in the correct and complied with the decision taken in relation to that application.

- 16 February 2016

There was a fault with the CCTV which we were not aware of until it had to be viewed; we did not refuse access to the CCTV equipment and the repair was carried out.

Statutory breaches

Sections 57 (7) and 135(4) – Premises licence part b was mounted on the wall part A was in box and it states personal information such as my home address. My personal licence was not on the premises at that time; I now keep a copy of it on the Premises for inspection.

Section 136 (1) – see the answer for 14 February 2016 above

Breaches to premises licence

1 and 2 are denied. Staff have received training and the training had been recorded. At the time did not do all the paperwork for the Premises at the Premises and I did not keep it there. I was happy to provide this to the officers.

4. There was no record to keep as there had been no refused sales. We have not had minors attempting to buy alcohol and we have not had people so intoxicated that we had to refuse them alcohol. We have also not sold alcohol outside of our permitted hours.

9. The police told us that our CCTV system was not in compliance with the licence as there were not enough cameras. So we later added more cameras. We asked them to put in writing any further issues that they had with the CCTV cameras and received nothing. Our cameras do cover the entrance and exit of the premises.

10. We have always had an incident log and made it available.

11. This has happened in the past, see the answer for 14 February 2016 but has not happened since.

16. We have not breached this and there is no evidence provided to suggest that we have.

18. We now have this.

It was during this inspection that it was first mentioned that our restaurant was a "natural hangout" for gang members and that we were in a position between gangs in Edmonton and Ponders End. I was upset with this; just because we are a Caribbean restaurant it does not mean that we are a magnet for gang activity.

3rd March 2016

I deny that all the same breaches were present. However, there was on this occasion a fuller conversation between myself and the police officer who attended. Some had been actioned or were in the process of being actioned.

20 April 2016

Statutory breaches

s.57 (7) – both the premises licence and personal licence was shown and was kept in a folder and also shown on the wall behind the bar which is visible and was recognised by Gary on a previous visit.

s.136(1) – this is completely denied. Alcohol is only sold in accordance with our licence. At the request of the police I have now taken down the optics, but I thought that they were a good way to comply with Annex 1, section 7 (a)(ii) and 7(b) as they showed the price and ensured compliance with the measurement.

Breaches to premises licence

It is clear from here that we are complying with the conditions. The police found less breaches than on the previous visit.

4. There have not been any refused sales as per our previous answer in relation this. If there had been they would have been recorded. I cannot prove something that has not happened.
9. All of these conditions have been complied. After the previous visit we installed new cameras. The entrances and exits are fully covered. I know how to operate the system and showed them that I could record and do playback – I could have produced a specific day and time.
10. There is an incident log and it has always been made available when requested
9. I did not tell the police that I did not know the objectives; the way that the restaurant has been run clearly shows that I do. When asked to tell the officers what the objectives were I felt pressurised by them and did not articulate myself very well, but I explained them. I was then told that I should have been able to recite the licensing objectives; to me being able to recite the objectives does not show an understanding of them.
10. I have had a licence since 23 October 2015. At the beginning I did not see the importance of something such as having my personal licence available at all times. I now am compliant with all the licence conditions that come with running my restaurant and I do not want to lose my business by non-compliance.
11. As a woman owning a small business, which has employees, I feel that I am a role model to other is the local area. I take that very seriously and ask the Panel to take into account that I have positively responded to teething problems with my business.
12. If this application is considered by the sub-committee, I would ask you to find that the revocation of my licence is not a proportionate response to the alleged breaches

Signed: 

Dated: 7/6/16