

From: [REDACTED]
Sent: 23 June 2017 18:09
To: Ellie Green
Subject: Re: IP3 Further Information Provided by Mad Husky Events Ltd for the Trent Park application

Ellie

Thank you for your email.

As mentioned within my email of the 21st June 2017, I now attach further documents that we may or may not wish to refer to at the Licensing Sub Committee hearing on the 3rd July. In the main they are in relation to the licensing process and our opinion on its compliance with this application. The documents are:

- (1) Original Blue Notice displayed at Trent Park (attached)
- (2) Original Licence application by Mad Husky Events Ltd dated 11th May 2017 (You already have a copy of that)
- (3) London Borough of Enfield License Register Home Page (attached)
- (4) Licence Register screen print for this license application (attached)
- (5) Emails relating to this application process (attached below)

Dear [REDACTED]

Thank you for your email yesterday evening, and I note that you have raised further points which you seek clarification on, namely:

1. The blue notices that were displayed could not be conveniently read. Notices were clearly visible and displayed on the external perimeter of the premises as per the requirement. If the poster was only displayed across the road on the pavement, this would not meet the requirement as this would not be on the external perimeter of the premises. It is noted that there are notices on the external perimeter and next to a pavement around the gate, where I understand the notice was observed by yourself or by another member of CLARA.
2. The newspaper advert was displayed in a local paper which is not available to the residents of Chalk Lane, so a circular should have been provided. Trent Park is a large area and could be covered by several local papers, but the applicant is only required to publish the advert in one local weekly paper. The newspaper advert was placed in the Enfield Independent, and this is the third year of this being the chosen paper. This is the first time anyone has drawn to the attention of Licensing that the CLARA residents do not receive this particular paper.
3. Your request to meet with Legal or Head of Trading Standards. I note this request, however, we do not think this is necessary as the Licensing Authority are satisfied the advertising requirements have been met.

As we disagree on the above points, I strongly advise that you seek independent legal advice on this and what legal steps you can take. We will not litigate this matter through further correspondence.

Please be advised that in light of the comments raised by the stakeholders of Trent Park, the applicant has today notified the Licensing Team that the consultation period has been extended to midnight on **Thursday 15 June 2017**.

Should you require any further information about the event itself, please contact Matthew Watts (matthew.watts@enfield.gov.uk).

Further Advice on Representations:

Representations can be emailed to licensing@enfield.gov.uk, or sent to the Head of Trading Standards, Licensing Team, B Block North, Civic Centre, Silver Street, Enfield, EN3 3XA.

For a representation to be relevant, it must be one that is about the likely effect of the application on the promotion of the four licensing objectives, namely:

- Protection of children from harm
- Public safety
- Prevention of crime or disorder
- Prevention of nuisance.

A name and address of the person making the representation must be provided to validate the representation.

Kind regards

Ellie Green

**Principal Licensing Officer
Licensing Team
Environment & Regeneration
Enfield Council
Silver Street
Enfield
EN1 3XY**

Email: ellie.green@Enfield.Gov.uk

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From: [REDACTED] **Sent:** 07 June 2017 21:08 **To:** Ellie Green **Cc:** Jonathan Stephenson **Subject:** Re: Trent Park, Cockfosters Road, BARNET, EN4 0PS , 5 and 6 August 2017 [SEC=OFFICIAL]

Ellie

Thank you for your email and the apologies that you have made regarding the incorrect information relating to this licence application posted on your web site and the errors regarding the "Have Your Say" facility which although your web site gives instructions for use, is not available.

I appreciate the sentiment of your apology but as you mention this does not assist us with this application.

Thank you for the link to the relevant legislation and having tried it, it actually works. Having read the legislation I would be grateful if you could confirm how exactly it is that your legal advisors believe that the process has complied with the act. For ease, I have cut and paste the act in order to raise the relevant questions that I have. They are:

Advertisement of applications

25. In the case of an application for a premises licence under section 17, for a provisional statement under section 29, to vary a premises licence under section 34, for a club premises certificate under section 71 or to vary a club premises certificate under section 84, the person making the application shall advertise the application, in both cases containing the appropriate information set out in regulation 26—

(a) for a period of no less than 28 consecutive days starting on the day after the day on which the application was given to the relevant licensing authority, by displaying a notice,

(i) which is—

(aa) of a size equal or larger than A4,

(bb) of a pale blue colour,

(cc) printed legibly in black ink or typed in black in a font of a size equal to or larger than 16;

(ii) in all cases, prominently at or on the premises to which the application relates where it can be conveniently read from the exterior of the premises and in the case of a premises covering an area of more than 50 metres square, a further notice in the same form and subject to the same requirements every fifty metres along the external perimeter of the premises abutting any highway; and

Having read item (ii) which I have highlighted, could you please explain to me how your advisors believe that you have complied with this section of the act. I would remind you of our statement on Monday where we advised you that the position of the majority of notices along the Cockfosters Road are attached to a fence which is covered in plant growth and are located where there is no footpath or expected public access. I believe the act is clear in that it requires the notices to be positioned where they can be easily read. These are not and therefore in my opinion do not comply with the act. As mentioned on Monday, all other notices issued by the council relevant to the park or Cockfosters in general are normally attached to the lamp posts on the pavement side of the Cockfosters Road. For some reason these were not.

The act continues:

(b) by publishing a notice—

(i) in a local newspaper or, if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premises;

(ii) on at least one occasion during the period of 10 working days starting on the day after the day on which the application was given to the relevant licensing authority.

I believe I have advised you during our meeting on Monday that the newspaper you mentioned, that included the required advert, is not circulated in our area and therefore residents living in the area covered by the above Blue notices would have not had the opportunity to see the advert. Bearing in mind this includes the postal address of the licence application or event address I believe that in order to comply with the act the part of the act

worded “*if there is none, in a local newsletter, circular or similar document, circulating in the vicinity of the premise*” should have been used. You have already confirmed that no circular or similar document was circulated by the applicant or licensing and Jonathan Stephenson’s department have already confirmed that they did not send out the normally expected notices to the residents. It is for those reasons that I believe that the act has not been complied with. After all, the purpose of the Blue notices and the relevant advert are for possibly affected residents to read, aren’t they?

I would also add that for the past two years the organisers of this event have completed their own door drop to residents. On each occasion, they were prior to the License application. No door drop has been completed this year by the new organisers. The previous organisers were obviously aware that Newspaper adverts were not suitable for our area.

In conclusion, I appreciate that as you stated in your email *on this occasion you do not feel there has been any breach of process*. However, for the reasons stated above we do not accept that the process has been followed in line with either the wording or the spirit of the Licensing Act and would ask for answers to the above questions. If after reading the above, the position of Trading Standards, the council or Licensing remains that both you and the event organisers have **complied** with the Licensing act then I would be grateful if you could state exactly that whilst answering the above questions.

As mentioned yesterday, I am more than happy to meet with your legal advisors in order that they can explain the answers to the above questions directly to me. In addition, should your advisors not wish to meet with me I am quite happy to meet with the Head of Trading Standards instead.

Regards

[REDACTED]

From: Ellie Green <Ellie.Green@Enfield.gov.uk> **Date:** Wednesday, 7 June 2017 at 18:37
To: [REDACTED] **Cc:** Jonathan Stephenson
<Jonathan.Stephenson@enfield.gov.uk> **Subject:** FW: Trent Park, Cockfosters Road,
BARNET, EN4 0PS , 5 and 6 August 2017 [SEC=OFFICIAL]

Dear [REDACTED],

Thank you for your email received today.

Regulation 25 of The Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 essentially requires:

- i) The display of a notice containing the required information as per Regulation 26.
- ii) The notice to be placed at 50m intervals along the external perimeter abutting the highway and
- iii) Advertisement in a local newspaper.

I can confirm that all of the above points were adhered to and checked by the Licensing Officers. I have also consulted with our legal services department regarding your concerns suggesting a failure of the actual licensing process by Enfield Council and the applicant, and on this occasion we do not feel there has been any breach of process.

Unfortunately we cannot provide a hard copy but you can find the link to the relevant legislation here <http://www.legislation.gov.uk/ukxi/2005/42/regulation/25/made>.

I note your comments in the meeting of the 5th June where you correctly highlighted an administrative error in respect to the timings of two of the licensable activities. The website incorrectly stated the activity for recorded music and performance of dance were on Friday (11:00-22:00) and Saturday (11:00-21:00). However this should have stated Saturday (11:00-22:00) and Sunday (11:00-21:00) in line with the days and other activities cited on the operating schedule. I also note your comments regarding the max number tab is blank. There is however no legal requirement to provide a maximum number. I have raised this matter with our IT department to remove this tab.

You also referred to the “Have Your Say” section on our website which does not allow you to make representations online. This has been raised with our website department as this facility is not available and should be removed from the website. Whilst I appreciate this does not assist you on this occasion it will resolve future issues. I would therefore invite you to submit any representations as an individual or on behalf of CLARA to licensing@enfield.gov.uk by midnight tomorrow (8th June 2017).

I apologise sincerely for these errors and thank you for bringing them to my attention to allow them to be resolved.

In respect to your concerns regarding the consultation of residents by our Parks Department and the applicant, I have forward this to Jonathan Stephenson (Head of Public Services, Public Realm), to provide an answer.

If you are still unsatisfied with the response you have received, you can make a formal complaint through our website at:

<https://new.enfield.gov.uk/contact-us/are-you-unhappy-with-something/>

Kind regards
Ellie

Ellie Green

**Principal Licensing Officer
Licensing Team
Environment & Regeneration
Enfield Council
Silver Street
Enfield
EN1 3XY**

Email: ellie.green@Enfield.Gov.uk

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From: [REDACTED] **Sent:** 07 June 2017 14:51 **To:** Ellie Green **Subject:** Re: Trent Park, Cockfosters Road, BARNET, EN4 OPS , 5 and 6 August 2017

Ellie

Thank you for the attached. Unfortunately your response goes nowhere near answering all of the points raised regarding the failure of the licensing process implemented by both Enfield Council or the applicant at the meeting on Monday 5th June. In addition, it is still our position that both have failed to meet the documented promises for consultations prior to any licence application and indeed then through the failures of your own process and web site have not given accurate and a manageable opportunity to those wishing to comment .

I would therefore ask you to be specific and confirm in writing that each and everyone of the of the points raised at our meeting Monday are legally in compliance with the licensing act and that Enfield Council are in compliance with the agreement made with us.

In addition, as stated at our meeting Monday and during our conversation yesterday I am unable to distribute your comments to members of Clara until they are complete and answer all points raised at our meeting on the 5th June. I have yet to receive any response from either Jonathan Stephenson department or the event organisers.

I would also be grateful if you could forward me a full copy of the licensing act 2003. Due to the known failures with your website please do not send a link to your site. An attachment or hard copy would obviously be the best method.

As also advised at our meeting Monday and during our conversation yesterday please advise us of the correct appeals process with regards to the above. If as stated on the phone yesterday there isn't one, please confirm this and advise us of the relevant ombudsman we may contact in order to register an objection.

Regards [REDACTED]

On 7 Jun 2017, at 12:07, Ellie Green <Ellie.Green@Enfield.gov.uk> wrote:

Dear [REDACTED]

Further to our recent telephone conversation, I can confirm that the Licensing Authority are satisfied that the applicant for the above application has met the licence advertising regulations, namely the two requirements to display a blue notice and to advertise in a local paper.

The blue notices were displayed along the perimeter of the premises abutting the highway, every 50m. They contain a statement of the relevant licensable activity, the name of the

applicant, the postal address of the premises, the date to make representations, to make the representations in writing and that it is an offence to make a false statement.

The advertisement was displayed in a local weekly newspaper.

The consultation date will close on Thursday 8 June 2017.

Representations are also accepted via email to licensing@enfield.gov.uk

Once a representation is submitted, additional information can be provided up to 5 working days before the hearing based on any new information provided.

Representations must include evidence on how the application affects the four licensing objectives, namely:

- Protection of children from harm
- Public safety
- Prevention of crime or disorder
- Prevention of nuisance.

Confirmation of the hearing date will be sent after the consultation has closed.

Kind regards

Ellie Green

**Principal Licensing Officer
Licensing Team
Environment & Regeneration
Enfield Council
Silver Street
Enfield
EN1 3XY**

Email: ellie.green@Enfield.Gov.uk

End of email insert