

LICENSING AUTHORITY REPRESENTATION

ADDITIONAL INFORMATION

Name and address of premises: Ponders End Smallholders Association (PEDSA)
82A Church Road
Enfield
EN3 4NU

Type of Application: Club Premises Certificate Review (Member)

Detailed below is additional information not previously included in the representation submitted on 21/07/17:

25.07.17 - The Licensing Authority contacted the Mutual Team, FCA to find out if the society registration had been cancelled (as per the email submitted by the applicant dated 10th March 2017). *If the Club was no longer registered they could no longer hold a Club Premises Certificate and it would have to be withdrawn.* However the Mutual Team confirmed that the club is still registered with them as the outstanding accounts have now been submitted by Linda Marsh.

The Mutual Team also advised that the Insolvency law does apply to Mutual Societies but that it usually only comes into play from their perspective when a society is no longer registered or is being dissolved. Either way the Mutual Team has confirmed that whether the society is making a profit or a loss is not relevant to them at this stage.

They have also advised that s.137 of the Co-operative and Community Benefit Societies Act 2014 has taken away their powers to get involved in any kind of mediation between the two parties. If arbitration is not possible then the only way the matter can be resolved is in court but that is a matter for the two parties not the Licensing Authority or FCA.

31.07.17 – Response to Licensing Authority letter dated 21st July 2017 received from Linda Marsh – **See Appendix LA6.**

1. Arbitration - Ms Marsh confirmed the club had attempted to start this process with Jeff Barber, Independent Arbitrator, National Allotment Society – LA contacted Mr Barber to find out what happened.
2. Machine Game Duty Registration Certificate supplied –registered 2013.
3. Bookkeeper details provided.
4. Unaudited accounts – club advised that a resolution was passed at least 10 years ago whereby it was agreed that the Association could not afford and therefore should not appoint an auditor – No minutes as evidence provided. *The Licensing Authority is of the opinion that any decision such as this, if permitted, should be voted on each year by the members as new members may have a different opinion. The club rules on auditing must also be made clear.*
5. Greene King – Club advised they are not tied to Greene King
6. Election of Committee – Club advised nomination forms were available to all members. Possible reason given as to why the other group didn't nominate other people – can only speculate on this matter.

7. FCA fine – club confirmed fined £1500 by the FCA as they failed to submit annual returned on time. This is a criminal offence and therefore undermines the Prevention of Crime and Disorder Licensing Objective. However the Mutuels Team have confirmed that the club have currently submitted their financial accounts to the objective is no longer being undermined.
8. Club Rules – Club confirmed in process of updating rules and hope to meet 6 weeks deadline (1st September 2017). Clear page 6 of current minutes provided.
9. 2016 Accounts – *Still to be finalised – will be submitted once complete.*
- 10 AGM minutes for 2015 – *unable to submit – club advised they have been removed from the club without their authorisation.*
- 11 Committee Meeting Minutes – missing minutes provided.

02.08.17 – Response received from Jeff Barber, Independent Arbitrator, National Allotment Society. **See Appendix LA7.** On 31st March 2017 Mr Barber was asked by the Council's Park Team to mediate in the dispute. He advises that there were two committees on the site claiming the right to manage the site both of whom were collecting rents from tenants on the allotment site. Mr Barber confirms that he asked that both parties to stop any further action until he had received material requested and had time to come to a considered view. The material included a copy of the lease and documents from by both sides. Unfortunately Mr Barber felt he was being dragged into the dispute rather than being allowed to act as a neutral and independent mediator so he halted the process and made that known to both parties on 22nd April 2017.

Club Lease

The Licensing Authority have contacted Keith Hellen, Senior Asset Management Surveyor to find out is the Council, as leaseholder has any issues with their tenants. He has advised that the current lease expires on the 31st December 2020. Within the lease the clubhouse can only be used by the association members and their guests and providing they meet this criteria the council would have no objection to them continuing to hold an alcohol licence. At present the rent appears to have been paid and he has recently inspected the property and found no reason to issue any warning or notice to determine their lease.

Calls to the Police

The Police have provided the Licensing Authority with a list of call outs to the Club. The Licensing Authority cannot comment further on this police report, it just shows when they were contacted in relation to the club. These details are shown below:

CAD 9590 26TH JULY 14 - unable to retrieve as too old. However applicant has quoted an action fraud reference number so may be to do with the fraud.

CRIS 5215428/15 1ST JAN 15 - this was a report by a male against a female alleging Fraud by abuse of position. Ordering goods but taking more money than necessary. Case was closed as a civil dispute as unable to prove who took how much. This was received by Action Fraud.

CAD 7491 9TH JAN 16 - unable to retrieve incident as too old.

CRIS 5217735/16 11TH AUG 16 - A male has attended the bar area as an intermediary with a female from the new committee as she is alleging there are monies missing from the society bank accounts. A member of the current committee in the bar area approaches the male and puts his hand on his shoulder to stop him entering and asks who he is and what he wants. At this the male has claimed assault and called police. A witness in the bar confirmed no assault and so there was no further action by Police. Words of advice given to both parties.

CAD 5874 26TH OCT 16 - call from a member of the current committee regarding Anti Social Behaviour but no other details.

CAD 6399 19TH NOV 16 - call from a member of the current committee stating male and female allotment holders have broken padlock off the notice board and replaced it with one of their own. Established there are rivalries between two committees both trying to run society. Closed as civil issue.

CRIS 5228016/16 17TH DEC 16 - Female reported damage to notice board. Stated she is Chairman of new management board who formally took over in Oct 16 but civil disputes re money still ongoing. States has been placing notices and information on the board for a while but finds them in the bin on her return. This time she has arrived and glass has been sprayed with paint. Paint was removed so no permanent damage. She believes old management board responsible. No CCTV No witness No further action by Police.

CAD 4398 17TH DEC 16 - relates to above CRIS

CRIS 5200078/17 30TH DEC 16 - A female who is part of the group in dispute with current committee for allotments reports that glass panel of notice board has been smashed. Believes it is linked to the dispute. No CCTV, No Witnesses No further action by Police.

CRIS 5201284/17 1ST JAN 17 - A male from the new committee (Male 1) alleges a male from the current committee (Male 2) has assaulted him. Male 1 and his group were outside the club house. Heard arguing and decided to enter whilst filming on his phone. Another current committee member (Female 1) told him to close the door and Male 2 held the door open whilst motioning Male 1 to leave. Male 1 shouts 'you assaulted me I'm calling the Police'. No witnesses and Male 2 denies assault. On viewing CCTV Police confirmed no assault and Male 1 lawfully ejected.

CAD 5690 1ST JAN 17 - relates to above

CRIS 5200035/17 1ST JAN 17 - Female 1 (from above) accuses member of new committee (Male 3) of assault. During the above where a group came into club hours. Female 1 stood up to block their way and Male 3 barged into her knocking her to the floor. CCTV was seen and Male 3 admitted excessive force and received Adult Caution.

CAD 5370 1ST JAN 17 - relates to the above.

CRIS 5202066/17 22ND JAN 17 - Female member of new committee reported 2 damaged padlocks on notice board. Believed linked to dispute between her group and current committee. No CCTV, no witnesses NFA

CAD 3044 28TH JAN 17 - relates to the above

CAD 3071 15TH APR 17 - call from another female member of new committee accusing male from current committee of threatening her when she attended club house. She was told to leave - no threats made - over exaggeration. Police have taken no further action.

CAD 2465 23RD APRIL 17 - call from current committee member stating group from new committee causing a nuisance and trying to stop him opening the bar. No action by Police.

Other Licensing Options

Clubs who have Club Premises Certificate can only supply alcohol and provide other licensable activities to members and bone fide guests. There must a limit to the number of guests one member can bring into the club – for example one member cannot hire out the clubhouse for a party and invite 20 non-members to join them as their guests purchasing alcohol at the bar. Where club rules do not specify the maximum number of guests that a member can bring into the club the Licensing Authority recommends that it would be reasonable to cap this number at 5. The club cannot be hired out to none members unless the event is covered by a Temporary Event Notice. If the club is in as much financial difficulty as it appears to be it might like to consider surrendering the Club Premises Certificate and instead apply for a Premises Licence which would allow them to open the bar to the public and to hire out the club house for a fee to the public in an attempt to generate more income. They would need to ensure that these events were sufficiently controlled so as not to undermine the Licensing Objectives and comply with any restrictions / conditions on the licence. If the premises traded under a premises licence instead of a Club Premises Certificate then the club would not be required to demonstrate that they meet any qualifying club conditions, compliance with club rules etc. Some community premises such as this are also exempt from the Premises Licence requirement to have a Designated Premises Supervisor.