

## Annex 4



### 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:** Hop Poles Public House  
320 Baker Street  
Enfield  
EN1 3LH

**Type of Application:** New Premises Licence

I certify that I have considered the application shown above and **I wish to make representations** that the likely effect of the grant of the application is detrimental to the Council's Licensing Objectives for the following reasons:

This is a variation application for a public house. The application is for the hours and activities shown below:

Activity	Current Times	Applied for Times
Supply of Alcohol (on and off)	10:00 – 23:00 Mon – Wed 10:00 – 00:00 – Thurs – Sat 12:00 – 22:30 Sun	10:00 – 00:00 Sun – Thurs 10:00 – 02:00 Fri - Sat
Recorded Music	00:00 – 00:00 everyday	No change
Live Music	09:00 – 23:00 Mon – Wed 09:00 – 00:00 Thurs – Sat	09:00 – 00:00 Sun – Thurs 09:00 – 02:00 Fri – Sat
Performance of Dance	09:00 - 23:00 Mon – Wed 09:00 – 00:00Thurs - Sat	No change
Late Night Refreshment	23:00 – 23:00 Mon – Wed 23:00 – 00:30 Fri - Sat	23:00 – 23:30 Sun Rest – no change
Opening hours	00:00 – 00:00 everyday	No change

The application is also to remove the current licence conditions and replace them with new ones.

At the advice of the Licensing Enforcement Team the applicant submitted a number of Temporary Event Notices (TENs) towards the end of 2018 with the intention of 'testing the water' by temporarily extending their hours.

This premises has been licensed for a long time. In 2008 a variation application was submitted to increase the licensed hours. Although a 2am licence was applied for the latest hours granted was 1am on Friday – Saturday. In 2009 a new premises licence holder submitted a variation to reduce the hours back to those currently on the licence and to remove the conditions requiring door supervisors.

### **Premises History in Last 12 Months**

**15<sup>th</sup> April 2018** – 00:25 – Complaint received in relation to loud music since 10pm, customers outside shouting. 00:50 Out of Hours noise officers visited. Very loud music playing in premises, audible 50m down road. Entrance door x2 locked, approximately 12 people inside. Appeared a disco was ongoing. Officers spoke to a female who appeared to be in charge and said it was a private party. Music turned off. Officer left and stayed outside for 10 minutes. Music did not restart.

**5<sup>th</sup> July 2018** – 22:23 – Complaint received in relation to loud music and singing. Anonymous so unable to get further information.

**16<sup>th</sup> November 2018** - 23:45 - 00:25 Out of Hours Licensing Enforcement Officers (EVG/VPK) carried out observations parked in car park opposite pub. Could hear live band inside pub playing loudly, all vocals could be clearly heard with pub door closed and both car doors and windows shut. Bursts of very loud music when pub door opened. Officers entered premises. Band set up with speakers right next to the door. VPK of opinion could be a nuisance to local residents. Spoke to DPS, Mr Michael Kirby. Advised of noise issues. He explained band would normally play in function room, but works being done and not finished on time hence why in pub. VPK observed potential for noise escape from the function room, with old windows. Fire door to rear. Reminded DPS to carry out sound checks and record the checks. Although TEN in place, premises was closing around 00:20 due to short staff.

**17<sup>th</sup> November 2018** - 01:55 Out of Hours Noise Officer observations (CLB) - Premises closed.

**17<sup>th</sup> November 2018** - 23:30 Out of Hours Noise Officer observations (CLB) – Premises open. Lights on but no music audible.

**20<sup>th</sup> November 2018** – Complaint received alleging that every Wednesday night between 03:00 – 05:00am there is loud noise coming from the pub in the form of men arguing. Also alleging that the pub has been operating illegal poker games with alcohol being served up until 05:30am.

**24<sup>th</sup> November 2018** - 00:25 - Out of Hours Noise Officer observations. Premises was open with patrons inside. No music could be heard outside and no anti-social behaviour outside.

**24<sup>th</sup> November 2018** - 22:15 - Out of Hours Noise Officer observations (CLB) - Open but no music event on - all quiet.

**30<sup>th</sup> November 2018** 00:11 – 00:16 - Out of Hours Noise Officer observations (DWD) - 2 people outside on arrival, no music audible even when people coming in and out. Premises very quiet.

**1<sup>st</sup> December 2018** 22:20 Out of Hours Noise Officer observations (CLB) – Observations outside premises. Open but no music events on. No noise or anti-social behaviour. Revisited at 00:25 premises closed.

**14<sup>th</sup> December 2018** - 00:30 Out of Hours Licensing Enforcement Officers (EVG/VPK) carried out observations from car park opposite. Pub still open and customers inside, no sign of live music. Customers were coming and going using all doors, no music escape, no issues.

**15<sup>th</sup> December 2018** Out of Hours Noise Officer observations 00:50 – observations outside premises, open but no music can be heard, no anti-social behaviour. No music could be heard over the traffic noise. 01:00 left.

**16<sup>th</sup> December 2018** 00:29 - Out of Hours Noise Officer observations (PB). Premises closed.

**29<sup>th</sup> December 2018** 00:01 Out of Hours Noise Officer observations (RA). Arrived at premises and parked outside flats 22-23. As officer arrived music (sounded like a live band) could be heard. One person - male standing outside near to doorway/entrance to the premises (black t-shirt and jeans). At 00:05 music ceased. Left location at 00:10.

**31<sup>st</sup> December 2018** – Email from Gambling Commission who have also received a complaint regarding illegal poker events on Wednesdays and also illegal gaming machines. The complainant alleged that the poker 'pots' often escalate to between £2,000 to £3,000 and they usually play until 4.00 am.

**9<sup>th</sup> January 2019** – Letter sent to Premises Licence Holder regarding illegal gambling allegation – **Appendix 1**. To date, no response received.

**11<sup>th</sup> January 2019** – 19:20 – 19:35 Out of Hours Licensing Enforcement Officers (EVG/CPX) entered the premises and spoke to Laura Clarke, DPS away until Thursday. Spoke in function room away from customers, Laura denied poker was played but there were 2 poker tables folded up in there. Advised reason for visit, when asked she said that she did not know how to use the CCTV so unable to check old footage. Three machines on site - photos taken, one had no signage at all despite having £100 jackpot. Noted on inspection report (**Appendix 2**) what was and wasn't on display. Hand delivered advice letter regarding allegations (**Appendix 3**). Requested DPS call Officer (CPX) to arrange full licence inspection.

**22<sup>nd</sup> January 2019** Voicemail from DPS to arrange meeting. Officer called him back and left him a voicemail suggesting Friday 25<sup>th</sup> Jan at 3pm.

**23<sup>rd</sup> January 2019** -Officer phoned DPS and arranged meeting for Thursday 31<sup>st</sup> January 2019 2pm. Officer advised they would have liked it sooner so that some CCTV would still be available to view prior to DPS being made aware of issue. The DPS insisted that the allegations were not true. Officer advised that if he can he should download and save footage from Wednesdays in December to show officers. He said they do play poker but it is within the limits set out in the letter. He said that they play Texas Holdem. 9 people per table, 2 tables. Stake is £5. Prize is £90 pot, 1st - £60, 2nd - £20, 3rd £10. Not done for a profit just to get more people into the premises. He said they are trying to get a later licence so would not be doing anything wrong. He went on to say that there is another nearby premises where he thinks anti-social noise is coming from. He said that he does not keep records of the poker games as it is not a league.

**31<sup>st</sup> January 2019** – 14:04 – 14:49 - Senior Licensing Enforcement Officer (CPX) and Police Licensing Officer (KS) visited the premises and carried out a full licence inspection with the DPS. DPS stated he was only meant to be working there for 3 months and it turned into 3 years which is why a lot of records etc haven't been done but that he is getting a permanent lease in February 2019 so it will all be done by then. Officer (CPX) advised all conditions must be complied with even if he is only there for a day and that if they are not complied with he should not be using the licence. Condition 9 - Sound checks not documented, Condition 10 and 16 - training not documented, Condition 19 - Drug incidents to be recorded, no book set up, Condition 5 - CCTV was upgraded on 24th January 2019. DPS advised that as a result it only goes back as far as then - unable to check footage of alleged poker and after hours. DPS had not downloaded any footage to show Officers. Advised that would have proved it one way or the other. Condition 8 - sound limiter/controller not installed - advised to see if this has been offered in new condition - variation pending and new conditions offered in place of these ones. Requested that evidence of CCTV storing for 31 days be sent to officer (condition in variation states 28 days but current one is 31 days). To date, not received. Officer to send training material and posters to assist with compliance. Two Amusement with Prize Machines on premises - new ones with correct labels and signage on display. Discussed poker allegation with is denied. Advised to keep records in relation to poker to demonstrate limits are not exceeded. KS advised that if it was happening it has to stop now. DPS also concerned that other pubs are not aware of all the poker restrictions – to be raised at next PubWatch meeting. CPX emailed resources to DPS. Inspection Report issued giving 14 days to comply – **(Appendix 4)**.

**08<sup>th</sup> February 2019** – 23:24 Out of Hours Licensing Enforcement Officers (CPX, EVG) parked in carpark opposite premises, car windows open - no passing traffic. Music audible coming from premises. Two men outside smoking. Area quiet, not much passing traffic at this time, couple of cars, a bus, music still audible despite traffic. Live band playing. Drums and vocals on microphone audible. Music coming from direction of side door, so assume music being played in function room. Music stopped at 23:30. Started again a couple of minutes later. 23:36 - 5 people outside smoking. No drinks seen. Current song isn't as loud. 23:38 - 8 people outside. Older crowd, mainly wearing black. 23:40 - 12 people outside. Music audible – Officers are approx. 40m away. With car windows closed music is not audible. Could possibly affect residents in summer months when residents have windows open. Left at 23:43.

**15<sup>th</sup> February 2019** – Senior Licensing Enforcement Officer (CPX) checked the Hop Poles Facebook page to see if the premises actually used the TENs they applied for as the notes detailed above seem to suggest the later licenses were not used. The live music events advertised were all on Friday evenings and were advertised as ceasing at midnight. **(See Appendix 5)**. It therefore appears that the TENs, in regard to music were not used. The purpose of submitting the TENs was so that officers could make a more informed decision as to whether or not permitting the premises to have a later licence would have a negative impact on the local area. If they were not used, the fact that no complaints were submitted means very little and this appears to have been a pointless exercise.

### **Residents**

This premises is located on the corner of Lancaster Road and Baker Street. There are residential properties on both of these roads and also on nearby Primrose Avenue and Canonbury Road.

### **Prevention of Public Nuisance**

The Licensing Authority is concerned that local residents could be disturbed by those arriving at and leaving the premises during the early hours of the morning when ambient sound levels are reduced. The Licensing Authority therefore welcomes the reintroduction of door supervisors at the premises

When officers have carried out observations and live music has been provided it has been audible from the carpark opposite the premises. The Licensing Authority is concerned that residents could be affected by music from the premises, particularly in warmer months when residents are likely to have their windows open and during the early hours of the morning when background noise levels, such as passing traffic, are reduced. The following condition is on the current licence but has not been offered in this variation:

8. Any musical equipment used for entertainment purposes must be connected to a sound system that is operated by the licensee or appointed person from behind the bar area.

The Licensing Authority believes that the noise escape could be mitigated by the addition of conditions.

**I wish to make representation on the following:**

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

The Licensing Authority is concerned about the lack of compliance with the current licence conditions, particularly at a time when this variation application is pending. However, the applicant is applying to remove or amend a number of those conditions as part of this application.

The Licensing Authority welcome the introduction of door staff.

Given the allegations of illegal poker and afterhours alcohol the Licensing Authority would like to see times for recorded music and opening be specified on the licence. This would make it clear to staff, members of the public and responsibly authorities the times during which they can expect the premises to be closed.

Given that this is a residential area the Licensing Authority does not think that this is a suitable premises for a 2am licence and instead recommends times as shown below:

<b>Activity</b>	<b>Applied for Times</b>	<b>Recommended Hours</b>
Supply of Alcohol (on and off)	10:00 – 00:00 Sun – Thurs 10:00 – 02:00 Fri - Sat	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat
Recorded Music	No change	10:00 – 00:00 Sun – Thurs 10:00 – 01:00 Fri - Sat
Live Music	09:00 – 00:00 Sun – Thurs 09:00 – 02:00 Fri – Sat	09:00 – 00:00 Sun – Thurs 09:00 – 01:00 Fri – Sat
Performance of Dance	No change	No change
Late Night Refreshment	23:00 – 23:30 Sun Rest of week – no change	23:00 – 23:30 Sun Rest of week – no change
Opening hours	No change	10:00 – 00:30 Sun – Thurs 10:00 – 01:30 Fri - Sat

If the licence is granted in full or part the Licensing Authority recommends the following amendments be made to the conditions offered by the applicant in order to fully promote the licensing objectives (numbering correlates to that shown in the application, amendments are shown in bold):

1. Full training shall be provided to all staff on commencement of employment relating to prevention of underage sales of alcohol, proxy sales of alcohol to underage persons and sales of alcohol to a person who is drunk. Refresher training shall be provided at regular intervals - at least every **6** months. Records detailing the training provided shall be kept on the premises for a minimum of 12 months and be made available for production upon request by the Police and other officers of Responsible Authorities.
2. A record shall be kept detailing all refused sales of alcohol. The record should include the date and time of the refused sale and the name of the member of staff who refused the sale. The record shall be made available for inspection at the premises by the Police and Trading Standards at all times whilst the premises are open. **Records shall be kept at the premises for at least 12 months.**
4. On Friday and Saturday nights there shall be a last entry time of **00:00**, the only exception being for those customers who have gone to the designated smoking area to smoke.
7. Where SIA registered door supervisors are used at the premises, a record must be kept of their name, SIA registration number and the dates and times when they are on duty. **Records shall be kept at the premises for at least 12 months.**
11. When regulated entertainment is taking place, **hourly** boundary noise checks shall be conducted. **Where monitoring by staff identifies that noise from the premises is audible at the perimeter, measures shall be taken to reduce this i.e. turning volume down.** Records detailing the sound checks and any required action shall be maintained and retained on the premises **for at least 12 months.**
16. **The Local Authority or similar** proof of age scheme shall be operated at the premises **and relevant material shall be displayed at the premises.**  
*(a list of the types of ID that can be accepted is now covered by the mandatory conditions)*

The Licensing Authority recommends the following additional conditions be attached to the licence:

- i. A noise-limiting device shall be installed to any amplification equipment in use on the premises. The noise-limiting device shall be maintained in effective working order and set to interrupt the electrical supply to any amplifier should the volume of the music be audible at the perimeter of the premises.
- ii. Prior to the commencement of any live /recorded music staff shall check that all amplified equipment to be used is connected to the noise limiter. Records of these checks shall be documented and records kept for 6 months.
- iii. The noise limiter shall be recalibrated annually to ensure that the music volume does not exceed the level at which a noise nuisance to neighbours will occur. A copy of the calibration certificate shall be kept on the premises and made available to the Police or Council Officer on request.

- iv. All performers/DJs shall use the noise limiter installed and shall sign a document agreeing to connect all amplified equipment to the noise limiter throughout their performance. These documents shall be retained by the premises for 6 months. Performers/DJs shall be briefed prior to events taking place with regard to maximum sound levels.

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

If the conditions and amended times were accepted in full I WOULD withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

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

Signed: CPALMER

Date: 18/02/2019