

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 29 NOVEMBER 2017**

COUNCILLORS

PRESENT Peter Fallart, Derek Levy and George Savva MBE

ABSENT

OFFICERS: Ellie Green (Principal Licensing Officer), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher, Catriona Mcfarlane (Legal Services Representative) and Metin Halil (Democratic Services)

Also Attending: On behalf of Oakwood Catering Ltd:
Ms Svetla Hubenova (Applicants Representative) and Aziz Yildiz (Visitor)
On behalf of Broadway Food & Wine:
Mr Nusret Seker (Applicant) and Ms Ezgi Yildirim (NARTS Representative)
On behalf of Kalamis Fish Restaurant:
Mr Mansour Duzgun (Premises License Holder), Mr Deniz Alemdar (Designated Premises Supervisor) and Mr Sutherland (Solicitor)

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WELCOME AND APOLOGIES FOR ABSENCE

Councillor Levy as Chair welcomed all those present and explained the order of the meeting.

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DECLARATION OF INTERESTS

NOTED there were no declarations of interest.

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**OAKWOOD PARK CAFE, PAVILION CAFETERIA, OAKWOOD PARK,
OAKWOOD PARK ROAD, LONDON, N14 6QB (REPORT NO. 109)**

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RECEIVED the application made by Oakwood Catering Ltd, for the premises situated at Oakwood Park Cafe, Pavilion Cafeteria, Oakwood Park, Oakwood Park Road, London, N14 6QB for a new Premises Licence.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including
 - a. The application was made by Oakwood Catering Limited for a new Premises License to be held in Oakwood Park Pavilion Café.
 - b. The proposed operating hours are different to normal licenses as it varies seasonally. The hours to be open to the public:

March to November – 08:00am to 09:00pm daily

December to February – 09:00am to 6:00pm daily

The supplied alcohol (on supply only) from:

March to November – 11:00am to 09:00pm daily

December to February – 11:00am to 05:00pm daily

- c. The application had received 7 representations by other persons, namely local residents. All 7 were against the grant of the application. The written representations can be found at Annex 3 (from page 21 onwards) of the report. The representations are based on all 4 of the licensing objectives.
- d. The Metropolitan Police and the Licensing Authority, which includes representations on behalf of Trading Standards, Environmental Health and Health & Safety, both initially submitted a representation, seeking modification to the conditions offered in the operating schedule by the applicant. These conditions were agreed by the applicant as detailed at Annex 5 (from page 41) of the report. The times and activities were not objected to.
- e. The hearing today was for the Licensing Sub Committee to determine whether the application supports the 4 licensing objectives. The Director of Oakwood Catering Ltd, Mr Ozgur Celebi, who submitted the application, was unable to attend the hearing but had sent his representative Svetlana Hubenova, known as 'Sue', Mr Celebi's personal assistant. Mr Celebi did provide a written response to the local resident's objections, as detailed at Annex 4 (page 39) of the report. However, the responses received back from those residents that did reply was not enough for them to change their position and their representations still stand.
- f. Apologies had been received from IP4 and IP7.

IP2 (Mrs Parsons) was intending to attend the hearing but she had sent her apologies along with a prepared statement that Ellie Green read out to the Committee:

 - The application seeks licensing hours that extend beyond the opening hours of the park. This is ultra vires.
I expect that it is unlikely that there will be anyone at the Committee who knows the details of the park's opening hours.

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At the end of the summer, they are brought forward 15 minutes every Monday until the time of 4pm is reached, in October. The closing time then remains at 4pm until about the middle of January, when it is extended outwards by 15 minutes every Monday. No license can therefore be granted to 9:00pm for the late summer months or to 5:00pm from December to February as the park will be closed. That would make the whole license a nonsense and unsustainable.

The Parks Office has been consulted about this and there is no information about any plan to extend the park's opening hours. Indeed, to do so would cost the council as extra staff would have to be employed to attend at the park to lock it each evening. (This is currently the final task of the park keeper as he leaves each evening.

The proposed opening hours and licensing hours included in this application demonstrate a lack of knowledge and understanding of this park by the applicant.

- I support the comments made by my neighbour, Anelia Andreeva about children and CCTV issues.
 - The applicant states that he will instruct staff about the laws relating to the sale of alcohol. This is his legal duty, if granted the license. It is concerning that he notes it as an extra step that he is offering to take to counteract any potential issues. It demonstrates a lack of understanding of the licensing laws.
 - Adopting a policy about safeguarding children and vulnerable adults does not mean it will be applied. He offers no statement about staff training, record keeping, refreshers or reviews.
 - The applicant is currently selling café supplies through a catering van that drives in and out of the park three or four days each week. The van parks on the grass. It is parked outside the boundary of the applicant's premises and it is causing great damage to the grass on which it parks and manoeuvres, for which the council will no doubt be responsible for the cost of repairing. Although this is not an issue for this Committee, it reflects the applicant's lack of respect towards the park and a cavalier attitude towards rules.
- g. Ellie Green confirmed that, in light of Mrs Parsons (IP2) e-mail, she double checked the parks opening and closing times, on the Council web site, and they did concur with the observations by Mrs Parsons.
- h. In response, the Chair asked Ellie Green, that in licensing terms a license can still be granted regarding the operation of the license. So, even if a license was granted till 9:00pm (and if the park is closed) the café is licensed to but is not in a position to operate. So it's about the operation of the license rather than the action that is specified.
- i. Ellie Green confirmed that was correct and that the park itself does have a premises license for events and regulated entertainment, but not for the sale of alcohol. General hours would be 08:00am to

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11:00pm. So a license could be enforced during those hours for any events that are put on.

2. The statement of Svetla Hubenova, on behalf of the applicant, Mr Ozgur Celebi, including:
 - a. Thanked residents for the representations in the report. A representation had also been sent to her regarding concern from a resident and that her children would see people in the area carrying alcohol.
 - b. Mr Ozgur Celebi (applicant) sent his apologies for not being present at the hearing.
 - c. Referring to Mrs Parsons statement (IP2) and that she had been talking about freedom of choice. It affects the applicant also because its freedom of choice for both parties. Some people would like to have that freedom to choose whether to consume alcohol or not.
 - d. In terms of the parks opening/closing times, Mrs Parsons was right. This was about the park opening hours and not about the café opening hours.
 - e. Ms Hubenova did not know what had been agreed by the Council as regards the mobile van trading by the café.

The Chair asked if this was particularly relevant, unless the activities of the applicant does have a bearing on a licensing application. The legal services representative (Catriona Mcfarlane) clarified that it only related to the actual points. A license is just a way of controlling how something is sold. As long as those rules are followed you are fine.

The Chair further commented that the committee is primarily concerned with the 4 licensing objectives:

 - Prevention of Crime & Dis-Order
 - Public Safety
 - Prevention of Public Nuisance
 - Protection of Children from harm

The application has to convince the committee that all preventative steps are being taken in order for the committee to grant.
 - f. Mr Celebi was planning to install CCTV whether a license is granted or not. There would be a 30 day record of CCTV available to help with public safety and provide evidence to the Police, if needed.
 - g. With regards to children seeing people with alcohol, there is a children's policy and there would be posters put up showing that alcohol would not be served to under 18's. All staff would also be trained in selling alcohol.
3. The applicant's representative responded to questions as follows:
 - a. Councillor Levy asked why the applicant (Mr Ozgur Celebi) felt the need or wanted to sell alcohol at any time? In what context did he want to sell alcohol? In response 'Sue' replied that she had never asked him that question. The Chair further clarified that it would

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help to balance the concerns to residents. It was about whether the steps being taken are appropriate to sell alcohol.

- b. The applicant had other concerns, most of them situated in parks. Sue further responded that for some reason he had never applied for an alcohol license at his other concerns but that she did not know why. Councillor Fallart stated that it's probably the idea that someone would buy a meal and have a beer or glass of wine with their meal.
 - c. Councillor Savva asked for an explanation as to how someone can work in an environment where you are controlled by a third party as regards the opening and closing of the gates of the park. He could not understand why the applicant wants extended hours where the park closes earlier than the required extended hours. In response, Sue clarified that in the winter months the park closed in general at 4:00pm but in February/March the park hours will be extended to closing at 5:00pm.
 - d. The legal representative clarified further that the two legislative processes were completely different i.e. in planning terms the Committee can grant a license that allows someone to trade until 03:00am but their planning permission only allows them to be open till 11:00pm. In this case, the parks department makes a decision about what hours they will open the park. However, if the license holder wanted to trade for longer hours, they can because that's what the license states it can do, but the reality here is that no one can get into the park to buy alcohol because it will be closed. The license holder will therefore be restricted, even though the committee could grant the license as requested.
If the license is granted, Mr Celebi's business will be controlled in how it can supply the alcohol to customers, by the terms of the license.
4. The summary statement of Ellie Green, Principal Licensing Officer including:
- a. Having heard the representations from all parties, it is now for the Committee to consider whether the new application for Oakwood Catering Ltd is appropriate and in support of the licensing objectives.
 - b. The licensing sub-committee could decide to either grant the license in full, grant the license in part, with amended times/activities and conditions or to refuse the application.
 - c. The sub-committee's attention was drawn to the relevant Home Office guidance and the Enfield Licensing Policy as set out from page 2 of the report.

RESOLVED that

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- 1 In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

- 2 The Chairman made the following statement:

‘Having heard, read, and listened to all the representations, the Licensing Sub-Committee has determined to grant the application in full.

The Panel did give serious consideration to all the points raised by all of the interested parties, and were sympathetic to the irritations which have prompted the concerns they have expressed in writing – and, in the case of IP2, presented orally to the Sub-Committee at the hearing by the Licensing Officer.

However, all such points were either speculative, factually incorrect with respect to the Licensing Act by which (along with local licensing policy and statutory Home Office Guidance) the sub-committee is bound, or were related to unruly activity in the park which has been and may still be ongoing, without there being a premises licence in operation at the café.

Our deliberations can and must be focused solely on assessing whether the applicant has, in our view, taken all appropriate steps to promote the licensing objectives through the control mechanisms provided if or when a licence is granted, with all its attendant conditions.

Both principal Responsible Authorities were of this view, and from their experience of such applications, were sufficiently satisfied by the applicant’s agreement to their proposed additional conditions as to feel able to withdraw their representations.

The Licensing Sub-Committee concurred with this revised position

Should the worst fears of local residents be realised, the Responsible Authorities, the local residents themselves, and/or their local Ward Councillors always have recourse to reviewing any licence after a sensible period of time, citing actual supporting evidence; whilst the relevant Licensing Enforcement Officers pro-actively monitor - as well as react to - issues arising from the operation of any licence in the regular course of their duties’.

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**KALAMIS FISH RESTAURANT, 112 HIGH STREET, ENFIELD, EN3 4ES
(REPORT NO. 110)**

RECEIVED the application made by the Licensing Authority for a review of the Premises License held by Mr Mansur Duzgun at the premises known as and situated at Kalamis Fish Restaurant, 112 High Street, Enfield, EN3 4ES

NOTED

1. Councillor Levy's explanatory statement that normally there would be an opening statement to explain why we are here today and what the Committee does, but there have been developments regarding the review. So, for the moment he would hold back on making the statement.
2. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. A review application had been sought by the Licensing Authority for Kalamis Fish Restaurant , 112 High Street, EN3 4ES.
 - b. The Licensing Authority were originally seeking revocation of the Premises License, but developments had been made and a number of strict conditions had been agreed between both the Licensing Authority & Police, Mr Mansur Duzgun (Premises License Holder) and his Legal representative, Mr Sutherland.
 - c. There was also a proposal of 14 days suspension period of the license or until the conditions are in compliance to the satisfaction of the Licensing Authority and the Police. So if compliance is shown earlier, then the suspension period would cease earlier.
3. Charlotte Palmer, Senior Licensing Enforcement Officer, responded to questions including:
 - a. In response to the Chair's enquiry regarding Ellie Green's statement (as above), Charlotte Palmer advised that the Licensing Authority were no longer requesting the revocation of the license but the suspension of it until the satisfaction of all conditions and existing permissions.
 - b. Another discussion Charlotte Palmer had had with the Premises License Holder (PLH), Mr Duzgun Mansour, was his agreement to submit a signed undertaking that no license application would be made to increase the licensing hours or amend the conditions restricting the use of the rear area, shall be submitted until they have been fully complied with all the licensing conditions and operating times, for at least a year.
 - c. This was not a condition, but Charlotte Palmer wanted the above minuted to show that that discussion had taken place and agreed. This did not prevent the PLH from any TENS being submitted and considered.
 - d. The Chair further clarified that with a decision notice, which seems likely to be issued, these conditions would be physically appended

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- to the decision notice, as well as being written into conditions the Licensing Authority normally attach, when the license is issued.
- e. Charlotte Palmer further clarified that the license may have already been issued, but that a new one would be issued with all the conditions and correct plan.
4. PC Martyn Fisher, on behalf of the Police, had no questions to add.
5. The Summary Statement of Mr Sutherland (on behalf of the PLH), Legal representative, including the following:
- a. He was grateful to officers for the time they had spent, both at the premises before and since he was involved. He was also glad to say that his client had been able to get to this position today.
 - b. On behalf of Mr Mansour Duzgun (PLH) he wanted to say three things:
 - To apologise to officers regarding some e-mails sent that were unfortunate in the way they were worded. His client apologises to the officers for that and any offence that was caused by that.
 - In relation to the undertaking, both of the individuals were present, and they undertake to comply not to make an application to vary the license in relation to the rear area or to change the hours in relation to that rear area.
 - Technically, the review is not withdrawn but that the Committee were making a determination on it.

RESOLVED that

- 1 In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

The Licensing Sub-Committee **RESOLVED** that it considers the steps listed below to be appropriate for the promotion of the licensing objectives:

- (a) **To modify the conditions** now agreed between the Premises Licence Holder and the Licensing Authority, which initially called in the Licence for review.
- (b) **To suspend the Premises Licence** for a period of fourteen days, as agreed between the Licensing Authority and the Premises Licence

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Holder; albeit this may be increased or decreased (if required) until the Licensing Authority confirm that it is satisfied that all conditions are in compliance.

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**BROADWAY FOOD & WINE, 759 GREEN LANES, LONDON, N21 3SA
(REPORT NO. 111)**

RECEIVED the application made by Broadway Food & Wine, for the premises situated at 759 Green Lanes, London, N21 3SA for a variation of the licence.

NOTED

1. The introductory statement of Ellie Green, Principal Licensing Officer, including:
 - a. The premises is currently open 24 hours daily, but only licensed for alcohol off supplies, between 10am and 10:30pm Sundays, and 8am to 11pm Monday to Saturday.
 - b. Mr Nusret Seker, the Premises License Holder and DPS at Broadway Food & Wine, is seeking to extend the hours of alcohol to 8am to 2am daily, and to add conditions.
 - c. The Metropolitan Police and Licensing Authority have not objected to this application with regards to the hours, but did seek additional conditions which have been agreed by the applicant, therefore the representation has been withdrawn. The conditions can be seen in Annex 5 (page 187) of the report.
 - d. A representation was also submitted by an "Other Person", namely Councillor Barry who is the ward councillor, and it is an objection against any variation based on the prevention of public nuisance licensing objective. Councillor Barry's representation can be seen on page 185 of the report.
 - e. The applicant had not responded to the concerns raised by Councillor Barry. Councillor Barry could not attend the hearing and sent her apologies.
 - f. Mr Seker (applicant) and Ms Ezgi Yildirim (NARTS Representative) were present at this hearing.
2. Ms Ezgi Yildirim and Mr Nusret Seker (with interpretation assistance) responded to questions as follows:
 - a. In response to Councillor Levy's questions regarding an explanation as to why the applicant was seeking to extend the licensing hours and what steps the license holder was taking to promote the licensing objectives, Ms Yildirim advised that there was another premises across the road called 'Jardins Food & Wine' that operated at weekends till 1:00am.
As mentioned by Ellie Green, there had been an objection for this application by the Police and licensing authority, which wasn't

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related to the extension of hours, but we made recommendations for a few conditions that were accepted.

- b. The Police had requested additional conditions related to a CCTV system and Mr Seker had accepted that. The CCTV system would be recording for 31 days and all staff would be trained to operate the CCTV system. Police would also be given access to recordings on the CCTV system, if required.
 - c. In response to a further question by Councillor Levy regarding any further steps the applicant intends to take for operating beyond the current licensing hours, Ms Yildirim advised that the applicant had made an additional recommendation to the conditions already under license. That every staff member would receive training every quarter from the DPS and that every 6 months an outside agency would be training staff on under age sales and drunk awareness. These would be monitored in training books which will be kept at the premises.
 - d. Ms Yildirim also added that the business premises had been licensed since 2005 and Mr Nusret Seker had taken over the business since July 2016. Mr Seker's premises license had not gone to a review since 2005.
 - e. The outside agency that will provide staff training is dependent on Mr Seker and who he appoints. NARTS could provide the training if requested to.
 - f. Councillor Levy referred to Councillor Barry's representation and the licensing policy at page 161 (para 6.8) which states that 'stricter conditions as regards to licensing hours may be required for licensing premises situated in or immediately adjacent to residential areas. Councillor Levy asked if the conditions and the way Mr Seker wishes to operate the license, will address the fact that the premises are in a residential area. Mr Seker (through Ms Yildirim) advised that he has a very good relationship with the neighbourhood and residents in the area. This was the reason why there had been no objections raised by residents to this application.
 - g. Councillor Levy also referred to Councillor Barry's representation where she states that no other nearby retailer sold alcohol for off site consumption. However, the applicant did mention that a premises across the road called Jardin Food & Wine, did sell off site till 1:00am at weekends.
3. The summary statement of Ellie Green, Principal Licensing Officer, including:
- a. Having heard all the representations, it was for the licensing sub-committee to consider whether the variation application for Broadway Food & Wine is appropriate and in support of the licensing objectives.
 - b. The licensing sub-committee could decide to either grant the license in full, grant the license in part, with amended times/activities and conditions or to refuse the application.

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- c. The sub-committees attention was drawn to the relevant Home Office guidance (Section 10.13), and the Enfield Licensing Policy (Sections 8.4) relating to determining licensable hours, as set out on page 161 of the report.

RESOLVED that

- 1 In accordance with the principles of Section 100(a) of the Local Government Act 1972 to exclude the press and public from the meeting for this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A to the Act.

The Panel retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

- 2 The Chairman made the following statement:

‘The Licensing Sub-Committee has read and heard all submissions and oral representations and determined to grant the application in full.

We have heard that the premises have been licensed since 2005, with the current Premises Licence Holder being in his role of responsibility since 2016. In that time, there has been no cause to query or challenge the operation of the licence.

We further heard that when the principal Responsible Authorities sought additional and strengthened conditions, the applicant was willing to accept these without question.

By her own admission, Councillor Barry’s written objection states “I cannot provide evidence” that extended hours will result in a public nuisance, merely that it “could well result”.

In addition, the applicant affirmed that neither they nor the Licensing Sub-Committee had received any objections from local residents; and the panel concluded that Councillor Barry was speaking more in an individual capacity than representing any specific residents, because they are not mentioned in her written representation.

The Licensing Sub-Committee has therefore concluded that the Premises Licence Holder has taken all the available steps for appropriate promotion of the licensing objectives, including the strengthened conditions sought by the Metropolitan Police Service and the Licensing Authority, which has informed the decision arrived at’.

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MINUTES OF PREVIOUS MEETING

RECEIVED the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 4 October 2017.

AGREED that the minutes of the meeting of the Licensing Sub-Committee held on Wednesday 4 October 2017 be confirmed and signed by the Chair as a correct record.