

Public Document Pack



LICENSING SUB-COMMITTEE

Wednesday, 28 February 2018 at 10.00 am
Council Chamber, Civic Centre, Silver Street,
Enfield, EN1 3XA

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Committee Secretary
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Council website: www.enfield.gov.uk

Councillors : Derek Levy (Chair), George Savva MBE and Glynis Vince

AGENDA – PART 1

1. WELCOME AND APOLOGIES FOR ABSENCE

2. DECLARATION OF INTERESTS

Members are asked to declare any disclosable pecuniary, other pecuniary or non pecuniary interests relating to items on the agenda.

3. ELVAN FOOD CENTRE, 614-616 HERTFORD ROAD, ENFIELD, EN3 5TD (REPORT NO. 170) (Pages 1 - 34)

Transfer Application
Vary Designated Premises Supervisor (DPS) Application

4. THE HYDE ARMS, PUBLIC HOUSE, 137 VICTORIA ROAD, LONDON, N9 9BB (REPORT NO.171) (Pages 35 - 112)

Transfer Application
Vary Designated Premises Supervisor (DPS) Application

5. MINUTES OF PREVIOUS MEETING (Pages 113 - 124)

To receive and agree the minutes of the meeting held on Wednesday 29 November 2017.

6. EXCLUSION OF THE PRESS AND PUBLIC

If necessary, to consider passing a resolution under Section 100A(4) of the Local Government Act 1972 excluding the press and public from the meeting for any items of business moved to part 2 of the agenda on the grounds that they involve the likely disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A to the Act (as amended by the Local Government (Access to Information) (Variation) Order 2006).
(There is no part 2 agenda)

MUNICIPAL YEAR 2017/18 REPORT NO.

170

COMMITTEE :
Licensing Sub-Committee
28 February 2018

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda – Part1 | Item |
|---|------|
| <p>SUBJECT : Transfer Application Vary DPS</p> <p>PREMISES : Elvan Food Centre, 614-616 Hertford Road, ENFIELD, EN3 5TD.</p> <p>WARD: Enfield Lock</p> | |

1 LICENSING HISTORY & CURRENT POSITION:

1.1 Elvan Food Centre currently holds a premises licence (LN/201100797): in 2012 an application by Mr Abdullah Gul for a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers. Mr Gul was also named as the Designated Premises Supervisor (DPS).

1.2 Since then, the premises licence was transferred on 9 June 2015, naming Mr Tekim Teymuroglu as the Premises Licence Holder. Mr Gul remained as the DPS. This application was not subject to any representations, and was granted by officers in accordance with delegated powers.

1.3 Premises licence (LN/201100797) has not been subject to any review action.

1.4 The current Premises Licence permits:

Hours the premises are open to the public: 24 hours daily.

Supply of alcohol (off supplies): 08:00 to 02:00 daily.

1.7 A copy of a location map of the premises is attached as Annex 1.

1.8 A copy of the current premises licence (LN/201100797) is attached in Annex 2.

2 THESE APPLICATIONS:

2.1 On 29 January 2018, a transfer application was submitted by Mr Uygur Altun.

2.2 The transfer application has immediate effect.

2.3 The Police were consulted in respect of the application.

2.4 A copy of the transfer application is attached as Annex 3.

- 2.5 On 29 January 2018, a Vary DPS application was submitted by Mr Uygar Altun, naming himself as the DPS.
- 2.5 The Police were consulted in respect of the application.
- 2.6 A copy of the Vary DPS application is attached as Annex 4.
- 2.7 On 14 February 2018, Mr Tekim Teymuroglu, submitted a notice to the Licensing Team stating he wished to surrender premises licence LN/201100797 with immediate effect. The surrender notice was not accepted or valid as the transfer application by Mr Altun was deemed to have immediate effect. Mr Teymuroglu has been advised and will also be notified of the outcome of the hearing.
- 2.8 When the applications were submitted, notification of payment for the applications was submitted by Mr Altun but the payment has not been traced by the Finance team. Mr Altun was advised about the situation and he then confirmed that the money has not been taken from his account. At the time this report was prepared, the appropriate payment has not been made or evidenced, which in effect makes the applications invalid.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Notice was given (under S.42(6)) that grant of the transfer application would undermine the crime prevention objective. The Police states that it is appropriate, for the promotion of the licensing objectives, to object to the transfer of Premises Licence (201100797) and the Variation of the DPS.
- 3.2 A copy of the representation and Additional Information is attached as Annex 5.

4 RELEVANT LAW, GUIDANCE & POLICIES:

- 4.1 The paragraphs below are extracted from either:
- 4.1.1 the Licensing Act 2003 ('Act'); or
 - 4.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

4.2 **General Principles:**

4.2.1 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

4.2.2 The licensing objectives are:

4.2.3 the prevention of crime and disorder;

4.2.4 public safety;

4.2.5 the prevention of public nuisance; &

4.2.6 the protection of children from harm [Act s.4(2)].

4.3 In carrying out its functions, the Sub-Committee must also have regard to:

4.3.1 the Council's licensing policy statement; &

4.3.2 guidance issued by the Secretary of State [Act s.4(3)].

4.4 **Transfers of premises licences – General**

4.4.1 Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder. (Guid 8.93)

4.4.2 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). (Guid 8.94)

4.4.3 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police. (Guid 8.95)

4.4.4 In its consideration of applications where representations have been received, where relevant, particular regard will be given to the factors shown under Special Factors for Consideration. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives. (Pol 10.1)

4.4.5 Special Factors for Consideration: Methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods. (Pol 12.1.9)

4.5 Police objections to new designated premises supervisors

4.5.1 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking. (Guid 4.39)

4.6 Requirement for Payment of Licence Application Fees

4.6.1 Section 37 Application to vary licence to specify individual as premises supervisor

(1)The holder of a premises licence may—

(a)if the licence authorises the supply of alcohol, or

(b)if he has applied under section 34 to vary the licence so that it authorises such supplies,

apply to vary the licence so as to specify the individual named in the application (“the proposed individual”) as the premises supervisor.

(2)Subsection (1) is subject to regulations under—

(a)section 54 (form etc. of applications etc.);

(b)section 55 (fees to accompany applications etc.).

4.6.2 Section 42 Application for transfer of premises licence

(1)Subject to this section, any person mentioned in section 16(1) (applicant for premises licence) may apply to the relevant licensing authority for the transfer of a premises licence to him.

(3)Subsection (1) is subject to regulations under—

(a)section 54 (form etc. of applications etc.);

(b)section 55 (fees to accompany applications etc.).

4.6 **Decision:**

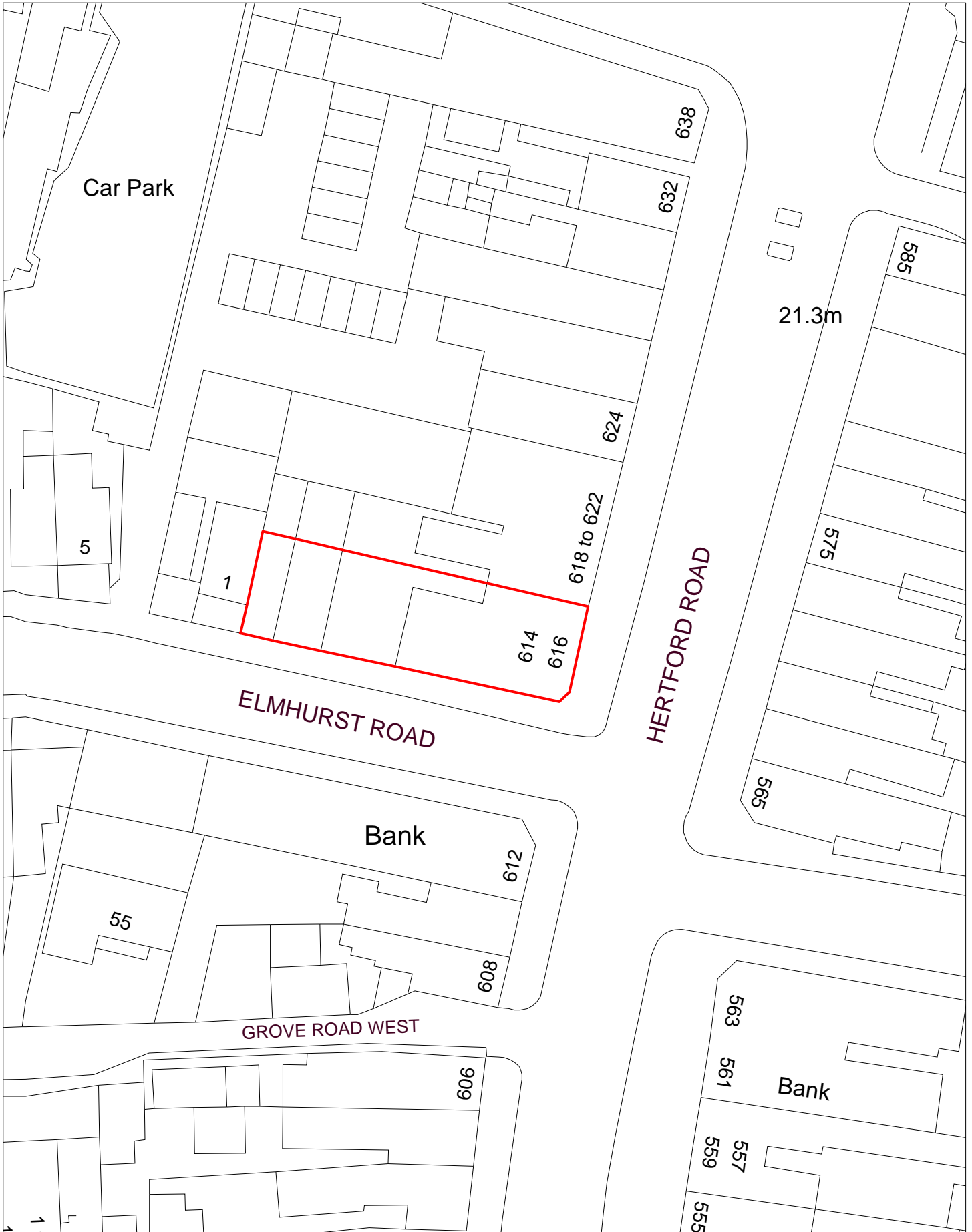
4.5.1 Having heard all the representations (from both parties) the Licensing Sub-Committee must decide whether to:

- Grant the applications; or
- Reject the applications.

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543

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Elvan Food Centre, 614-616 Hertford Road, ENFIELD, EN3 5TD

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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/201100797

Part 1 – Premises Details

Postal address of premises :

Premises name : Mevlana Food Centre

Telephone number : 07440 661605

Address : 614-616 Hertford Road ENFIELD EN3 5TD

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 : | 00:00 - 00:00 |
| | Monday : | 00:00 - 00:00 |
| | Tuesday : | 00:00 - 00:00 |
| | Wednesday : | 00:00 - 00:00 |
| | Thursday : | 00:00 - 00:00 |
| | Friday : | 00:00 - 00:00 |
| | Saturday : | 00:00 - 00:00 |

| | | |
|------------|---|----------------------|
| (2) | Supply of Alcohol - Off supplies | |
| | Sunday : | 08:00 - 02:00 |
| | Monday : | 08:00 - 02:00 |
| | Tuesday : | 08:00 - 02:00 |
| | Wednesday : | 08:00 - 02:00 |
| | Thursday : | 08:00 - 02:00 |
| | Friday : | 08:00 - 02:00 |
| | Saturday : | 08:00 - 02:00 |

Part 2

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

| | |
|---------------------------|---------------------|
| Name : | Mr Tekim Teymuroglu |
| Telephone number : | [REDACTED] |
| e-mail : | [REDACTED] |
| Address : | [REDACTED] |

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 : | Mr Abdullah Gul |
| Telephone number : | [REDACTED] |
| e-mail : | [REDACTED] |
| Address : | [REDACTED] |

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 : | LBH-PER-T-0782 |
| Issuing Authority : | Hackney Borough Council |

Premises Licence LN/201100797 was first granted on 4 January 2012.

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

Date : 9th June 2015



Annex 1 - Mandatory Conditions

- 1. No supply of alcohol may be made under the premises licence : (a) At a time when there is no designated premises supervisor in respect of the premises licence; or (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Annex 2 - Conditions consistent with the Operating Schedule

- 3. 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.**
- 4. 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.**
- 5. An announcement will be made prior to closing requesting customers co-operation in leaving the premises and vicinity as quickly and quietly as soon as possible.**
- 6. A digital CCTV system must be installed in the premises complying with the following criteria: (1) Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas; (2) Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification; (3) Cameras viewing till areas must capture frames not less than 50% of screen; (4) Cameras overlooking floor areas should be wide angled to give an overview of the premises; (5) Cameras must capture a minimum of 16 frames per second; (6) Be capable of visually confirming the nature of the crime committed; (7) Provide a linked record of the date, time, and place of any image; (8) Provide good quality images - colour during opening times; (9) Operate under existing light levels within and outside the premises; (10) Have the recording device located in a secure area or locked cabinet; (11) Have a monitor to review images and recorded picture quality; (12) Be regularly maintained to ensure continuous quality of image capture and retention; (13) Have signage displayed in the customer area to advise that CCTV is in operation; (14) Digital images must be kept for 31 days; (15) Police will have access to images at any reasonable time; (16) The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police or authorised local authority employees on request.**

7. If the premises remain open after 01:00 for licensable activity, a Raid Control system must be installed and procedures carried out: (1) A time delay safe is fitted and secured under the counter to ensure cash is minimised in the till; (2) A separate covert real time camera is fitted above the front door (Raid Cam); (3) A smoke note system is installed; (4) Signs must be displayed at the entrance advertising Raid Control is fitted in the premises.

8. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

9. 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.

10. All training relating to the sale of alcohol and times and conditions of the 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.

11. The Local Authority or similar proof of age scheme shall be operated and relevant material shall be displayed at the premises. Only passport, photographic driving licences or ID with the P.A.S.S. logo (Proof of Age Standards Scheme) may be accepted.

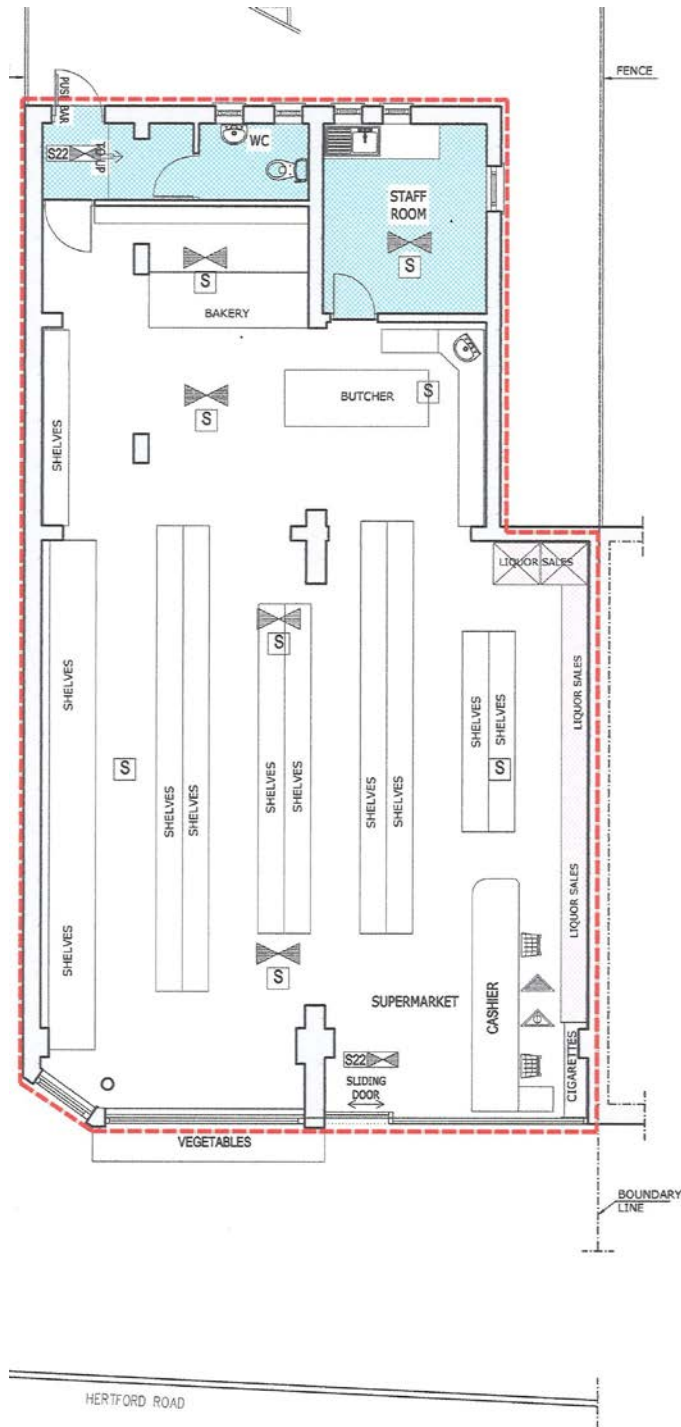
12. A written record of refused sales shall be kept on the premises and completed when necessary. This record shall be made available to Police and/or the Local Authority upon request and shall be kept for at least one year from the date of the last entry.

13. Children under 14 years, not accompanied by an adult, are not permitted to remain at or enter the premises after 21:00.

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

Not applicable

Annex 4 – Plans



EXISTING GROUND FLOOR PLAN

SCALE: 1/100

EXISTING GROUND FLOOR AREA : 185.18 m²

THE CONTENTS OF THIS PLAN INCLUDING THE PRINTED NOTES ARE COPYRIGHT AND REPRODUCTION IN WHOLE OR PART IS NOT PERMITTED WITHOUT PRIOR CONSENT OF SAYAR DESIGN IN WRITING

FIRST 2 SAVE SUPERMARKET
614 - 616 HERTFORD ROAD
ENFIELD MIDDLESEX EN3 5TD

| | |
|---------------------|---------------|
| EXISTING | PAPER SIZE A3 |
| - GROUND FLOOR PLAN | |

| | |
|--------------|--------------------|
| SCALE: 1/100 | REF. NO : 06.12/01 |
|--------------|--------------------|

| | |
|----------------|------------------------------|
| DATE: APRIL 12 | DRG BY: S. AY - SAYAR DESIGN |
|----------------|------------------------------|

SAYAR DESIGN

Tel.: 078 8787 1149 / 079 0425 2588
12 HANSWORTH ROAD.
LONDON N17 6DE

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LB
Beid
26/11/18
BACS
T.B.C.

Application to transfer premises licence to be granted 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/We UYGAR ALTUN
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/201100797

Part 1 - Premises details

| | |
|--|--------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description <u>614-616 HERTFORD ROAD</u> | |
| Post town <u>ENFIELD</u> | Post code <u>EN3 5TD</u> |
| Telephone number at premises (if any) | |

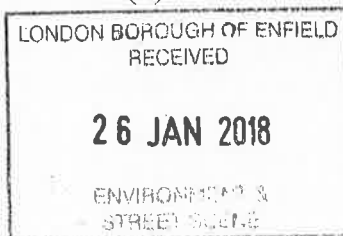
Please give a brief description of the premises (see note 1)
Supermarket

Name of current premises licence holder
TEKIN TEYMUR OGLU

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- Please tick yes
- a) an individual or individuals* please complete section (A)
 - b) a person other than an individual *
 - i. as a limited company please complete section (B)
 - ii. as a partnership please complete section (B)
 - iii. as an unincorporated association or please complete section (B)



- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)

ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)

h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title (for example, Rev)

Surname

First names

ALTUN

UYGAR

Date of birth

Nationality

Current residential address if different from premises

I am 18 years old or over

Please tick yes



[Redacted address information]

address

[Redacted address box]

Post town

[Redacted post town box]

Daytime contact telephone number

[Redacted telephone number box]

E-mail address (optional)

[Redacted email address box]

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

[Redacted surname box]

First names

[Redacted first names box]

Date of birth

[Redacted date of birth box]

Please tick yes

Nationality

Current residential address if different from premises address

[Redacted current residential address box]

Post town

[Redacted post town box]

Daytime contact telephone number

[Redacted telephone number box]

E-mail address (optional)

[Redacted email address box]

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|--|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address (optional) |

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice?

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

| | | |
|----------------------|----------------------|----------------------|
| Day | Month | Year |
| <input type="text"/> | <input type="text"/> | <input type="text"/> |

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971 FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Part 4 – Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature 

Date 24/1/18

Capacity owner

For joint applicants signature of second applicant, second applicant's solicitor or other authorised agent (please read guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature

Date

Capacity

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 by e-mail your e-mail address (optional)

Notes for Guidance

1. Describe the premises. For example the type of premises it is, its general situation and layout and any other information which would be relevant to the licensing objectives.
2. **Right to work/immigration status for individual applicants and applications from partnerships which are not limited liability partnerships:**

A licence may not be held by an individual or an individual in a partnership which is not a limited liability partnership who:

- does not have the right to live and work in the UK; or
- is subject to a condition preventing him or her from doing work relating to the

Consent of premises licence holder to transfer

I/we TEKİN TEYMUROĞLU
[full name of premises licence holder(s)]

the premises licence holder of premises licence number LN/201100797
[insert premises licence number]

relating to


614-616 Hertford Road, EWS 5TD
[name and address of premises to which the application relates]

hereby give my consent for the transfer of premises licence number

LN/201100797
[insert premises licence number]

to

UYGAR AITAN
[full name of transferee]

signed 
name
(please print) TEKİN TEYMUROĞLU
dated 24/1/18

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261118
BACS
T.B.C



London Borough of Enfield

Application to vary a premises licence to specify an individual as designated premises supervisor 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/we ~~TEKIN TEHMANOGJA~~ NYGAR ALTUN
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number

LW1201100797

Part 1 - Premises details

Postal address of premises or, if none, ordnance survey map reference or description
614-616 Hertford Road

Post town: Enfield
Post code (if known): EW3 5TD

Telephone number (if any)

Description of premises (please read guidance note 1)
Supermarket

LONDON BOROUGH OF ENFIELD
RECEIVED
26 JAN 2018
ENVIRONMENT &
STREET SCENE

Part 2

Full name of proposed designated premises supervisor
W/GAR KALAN

Nationality British

Place of [REDACTED]

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
LN/000003781

Full name of existing designated premises supervisor (if any)
ABDULLAH GULL

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant’s solicitor or other duly authorised agent (See guidance note 3). **If signing on behalf of the applicant please state in what capacity.**

Signature  ,
.....

Date 24/1/18
.....

Capacity
.....

For joint applicants signature of 2nd applicant 2nd applicant’s solicitor or other authorised agent (please read guidance note 4). **If signing on behalf of the applicant please state in what capacity.**

Signature
.....

Date
.....

Capacity
.....

| | |
|---|-----------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| Post town | Post Code |
| Telephone number (if any) | |
| E-mail address | |

Consent of individual to being specified as premises supervisor

I WYGAR ALTUN
[full name of prospective premises supervisor]

[Redacted address]

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for

Premises licence
[type of application]

by

WYGAR ALTUN
[name of applicant]

relating to a premises licence LW/201100797
[number of existing licence, if any]

for

614-616 Marlford Road
EN3 5EA
Enfield

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

WTGAR Acton
[name of applicant]

concerning the supply of alcohol at
614-616 Merford Road
EW3 5TD
ENFIELD

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LW1000003781
[insert personal licence number, if any]

Personal licence issuing authority

Haringey Council
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

WTGAR Acton

Date

24/1/18

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Annex 5



POLICE REPRESENTATION

Name and address of premises: Elvan Food Centre
614-616 Hertford Road
Enfield
EN3 5TD

Type of Application: Transfer of a premises licence and Vary DPS

The Application

This is an application for a transfer of a premises licence and a DPS variation for the above premises to a Mr Uygur ALTUN

| | |
|-------------------|--------------------------------|
| Supply of Alcohol | Monday to Sunday 08:00 – 02:00 |
| Opening Hours | Monday to Sunday 00:00 – 00:00 |

Location

This venue is situated within a parade of shops with residential properties above and on the corner of a residential road.

The Police would like to object to both applications on the grounds that it would undermine the Prevention of Crime and Disorder Licensing objective.

History

Mr Uygur ALTUN (previously known as Kemal ALTUN) held the premises licence for another venue ASYA WINE CENTRE in our borough from 2006 until 2014.

- During that time he was successfully prosecuted in 2009 for the sale of counterfeit vodka that contained dangerous levels of methanol.
- In March 2012 the Licensing Authority wrote to Mr Uygur ALTUN (then known as KEMAL ALTUN) in relation to ASYA WINE CENTRE (then known as HERTFORD WINE CENTRE). The letter was the result of a visit to the premises by Trading Standards and Her Majesty's Revenue and Customs (HMRC) Officers. Whilst visiting the premises on 11/01/12 the officers had discovered three bottles of counterfeit Bollinger, 1000 non-duty paid cigarettes, 0.1kg hand rolling tobacco and 54 bottles of non-duty paid spirits. The letter

requested that MR ALTUN who was the Premises Licence Holder and Designated Premises Supervisor submit a minor variation application to strengthen the licence conditions in an attempt to prevent any further illegal activity of this nature. The letter included the following warning: 'Please consider this letter to be a warning as to your future conduct. Should further similar offences be committed at the premises, Trading Standards shall take immediate action in order to have the premises licence permanently revoked, as recommended by the Secretary of State guidance.

- Consequent licence inspections showed repeated breaches of the licence conditions in particular Condition 15 which states that a personal licence holder must be on the premises at all times. Officers had also raised concerns over the extensive display of drugs paraphernalia seen at the premises. Although not a licensable activity, this display also undermines the crime and disorder licensing objective.
- January 2014 he changed his name to Uygar ALTUN by deed poll
- In August 2014 Non duty paid cigarettes were sold to an officer and non duty paid alcohol was found on the premises.

In view of this, and the continuing breaches to the conditions of the licence, the Licensing authority applied for a review with the aim of revoking the premises licence.

- Whilst the review application was being hand delivered to the venue for information, the serving officer witnessed a customer come into the premises and ask for the 'duty free' cigarettes. This customer already had a five pound note in their hand and staff were seen to shake their head before the customer had even made their request. On further visits officers have witnessed customers leave empty handed on being told the council were there.
- In November 2014 the additional copy of the review which was sent to Mr ALTUN's home address was returned with 'not known at this address, return to sender' written on the envelope. It therefore appeared that Mr ALTUN did not live at the address listed on the premises licence. Under the Licensing Act 2003, the Premises Licence Holder is required to inform the Council of any change of name or address

In February 2015 this application was successful and the Licensing Committee were minded to revoke the premises licence. In July 2015 an appeal by Mr ALTUN was denied by the Magistrates Court, upholding the committee's decision. I attach both decision notices and have labelled them KMS1 and KMS2.

When a new premises licence application for ASYA WINE CENTRE was granted to a different person, a condition was added to the licence to ensure that Mr ALTUN did not have any involvement with the business, such was the lack of confidence in Mr ALTUN from the Licensing Authority

In Sept 2015 a further inspection was carried out at this premises by the Licensing Authority and Police and non duty paid goods were found in a void between two locked doors. The key to this and a car parked on the premises private land, were found on a high shelf. Non duty paid goods were also found in the car. The PLH for this premises denied all knowledge and said it must have belonged to the previous owner, which was Mr ALTUN and the documents in the car proved the car to belong to Mr ALTUN. From

this it appeared he still had some interest in this premises which was again found with illicit goods.

From February 2016 the council started receiving information that illicit goods were being sold at the premises Mr ALTUN now wants a Premises Licence for, ELVAN FOOD CENTRE, and a letter was sent to current PLH in March 2016 reminding them of the legislation and warning them of the consequences.

In June 2017 the Licensing Authority had reason to visit ELVAN FOOD CENTRE and found Mr Uygur ALTUN actively working there. He described himself as the manager/owner/director of a company that ran this business. A full licence inspection was carried out and numerous breaches of the conditions were found. Also they had extended into 618 HERTFORD ROAD and therefore the plan was incorrect. He was advised to apply for a variation to update the plan and also to apply for a transfer and a vary DPS as the one on the licence no longer worked there.

They then attended ASYA WINE CENTRE and spoke to a male working behind the counter. When the officer asked for the PLH the male said he did not know who he was. He was then asked who his boss was and he stated it was Mr ALTUN.

A month later ELVAN FOOD CENTRE was revisited and not all of the breaches had been rectified and the Licensing Authority had still not received any of the applications previously mentioned. Letters and emails were sent to current and proposed PLH and DPS over a period of a few months to get this sorted but to no avail.

In October and November 2017 Police received information that drugs, and illegal alcohol and tobacco were being sold by Mr ALTUN at ELVAN FOOD CENTRE.

In December 2017, Police attended along with the Licensing Authority Enforcement team to be told by Mr ALTUN that he thought all the applications had gone through. He stated that his Solicitor dealt with it. Even after speaking to his Solicitors it still had not been sorted. We also spoke with the son of the current PLH who advised us that the current PLH no longer has anything to do with ELVAN FOOD CENTRE and is waiting for the lease and the business to be transferred to Mr ALTUN.

In view of all the intelligence that had been received and due to our knowledge of Mr ALTUN the premises was included in a council led operation to stop sales of illegal tobacco and alcohol. ELVAN FOOD CENTRE was visited on the 25th January 2018. Mr ALTUN was not present, however, alcohol was found in the fridges with foreign labelling (goods must have English labelling) and 27 packets of foreign cigarettes were found underneath the counter. Advice was given regarding the alcohol and the tobacco was seized.

It is clear to the Police that Mr ALTUN has a clear disregard for the law. He has been prosecuted for illegal alcohol, had his premises licence revoked due to possession of illicit goods, continues to be involved in a business he is not allowed to be and has again had illicit goods found in a store he, in his own words, manages/owns and is a director of.

Police do not believe Mr ALTUN to be a fit and proper person to hold a premises licence as he does not appear to appreciate the seriousness of his non - compliance of the licence conditions. He does not appear to have an understanding of the licensing objectives or what is expected of him and does not appreciate the need for him to be capable of demonstrating compliance. It is clear he intends to continue to supply illicit goods which undermines the Prevention of Crime and Disorder objective.

In light of recent events the Police are considering putting an application in to have the licence revoked.

Should the committee be minded to grant the applications I would request that the conditions, set out below, be added to the licence to strengthen the licensing objectives:-

- **Alcohol and cigarette stock shall only be purchased from registered wholesalers.**
- **Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock.**
- **The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.**
- **All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'tobacco stock'. This container shall be kept within the store room or behind the sales counter.**
- **Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.**

The premises is located in a cumulative impact policy area (CIP)

The location is already an area of concern in relation to crime and disorder. Activities taking place at this premises are adding to the problem so I would request that the hours for the sale of alcohol be brought back in line with the CIP to 00:00

I reserve the right to submit further representations

Officer: Karen Staff PC237YE

Tel: 0208 379 3915

Ye-licensing@met.pnn.police.uk

Date: 8th February 2018



POLICE REPRESENTATION – ADDITIONAL INFORMATION

Name and address of premises: Elvan Food Centre
614-616 Hertford Road
Enfield
EN3 5TD

Type of Application: Transfer of a premises licence and Vary DPS

In my original representations I requested that conditions be added to the licence should the committee be minded to grant the transfer, however I would like to amend that statement to the one below:-

Should the committee be minded to grant the applications I would request that Mr ALTUN give an undertaking to submit a minor variation, within 2 weeks of being granted the premises licence, to add conditions to the current licence and to amend the hours to strengthen the licensing objectives as set out below

- **Alcohol and cigarette stock shall only be purchased from registered wholesalers.**
- **Only the Premises Licence Holder or Designated Premises Supervisor shall purchase alcohol and cigarette stock.**
- **The premises licence holder shall ensure that all receipts for goods bought are kept together in a file or folder as evidence that they have been brought into the UK through legal channels. Receipts shall show the following details: (1) Seller's name and address; (2) Seller's company details, if applicable; (3) Seller's VAT details, if applicable. Copies of these documents shall be retained for no less than 12 months and shall be made available to police or authorised officers of the council on request within five working days of the request. The most recent three months' worth of receipts shall be kept on the premises and made available to the police or authorised officers of the council on request.**
- **All tobacco products which are not on the tobacco display shall be stored in a container clearly marked 'tobacco stock'. This container shall be kept within the store room or behind the sales counter.**
- **Tobacco products shall only be taken from the tobacco display behind the sales counter in order to make a sale.**

The premises is located in a cumulative impact policy area (CIP)

The location is already an area of concern in relation to crime and disorder. Activities taking place at this premises are adding to the problem so I would request that the hours for the sale of alcohol be brought back in line with the CIP to 00:00

I reserve the right to submit further representations

Officer: Karen Staff PC237YE

Tel: 0208 379 3915

Ye-licensing@met.pnn.police.uk

Date: 19th February 2018

MUNICIPAL YEAR 2017/18 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
28 February 2018

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|---|------|
| <p>SUBJECT : Transfer Application Vary DPS</p> <p>PREMISES : The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB.</p> <p>WARD: Edmonton Green</p> | |

1 LICENSING HISTORY & CURRENT POSITION:

1.1 The Hyde Arms currently holds a premises licence (LN/200501812): in 2005 an application by Mr James Joseph Waters to convert an existing Justices On Licence and an existing Public Entertainment Licence to a Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.

1.2 Since then, the premises licence has been transferred twice, the most recent on 28 January 2014 a transfer application was issued, naming Mr John Martin Coss as the Premises Licence Holder, and he has also been the Designated Premises Supervisor (DPS) since this date. These applications were not subject to any representations, and were granted by officers in accordance with delegated powers.

1.3 Premises licence (LN/200501812) has not been subject to any review action.

1.4 The current Premises Licence permits:

Hours the premises are open to the public: 11:00 to 00:30 latest.

Supply of alcohol (on and off supplies): 11:00 to 00:00 (midnight) latest.

Indoor Sporting Events: 11:00 to 00:00 (midnight) latest.

Live Music: 11:00 to 23:00 latest.

Recorded Music: 11:00 to 23:00 latest.

Facilities for Making Music: 11:00 to 23:00 latest.

1.7 A copy of a location map of the premises is attached as Annex 1.

1.8 A copy of the current premises licence (LN/200501812) is attached in Annex 2.

2 THESE APPLICATIONS:

- 2.1 On 22 January 2018, a transfer application was submitted by Mr Mansur Duzgun.
- 2.2 The transfer application has immediate effect.
- 2.3 The Police were consulted in respect of the application.
- 2.4 A copy of the transfer application is attached as Annex 3.
- 2.5 On 22 January 2018, a Vary DPS application was submitted by Mr Mansur Duzgun, naming Ms Re-Anne Cunsamy as the DPS.
- 2.5 The Police were consulted in respect of the application.
- 2.6 A copy of the Vary DPS application is attached as Annex 4.

3 RELEVANT REPRESENTATIONS:

- 3.1 **Metropolitan Police:** Notice was given (under S.42(6)) that grant of the transfer application would undermine the crime prevention objective. The Police states that it is appropriate, for the promotion of the licensing objectives, to object to the transfer of Premises Licence (LN/201500517) and the Variation of the DPS.
- 3.2 A copy of the representation and Additional Information is attached as Annex 5.
- 3.3 Mr Duzgun has responded to the objection via email, which is attached as Annex 6.

4 RELEVANT LAW, GUIDANCE & POLICIES:

- 4.1 The paragraphs below are extracted from either:
 - 4.1.1 the Licensing Act 2003 ('Act'); or
 - 4.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 4.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

4.2 **General Principles:**

4.2.1 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].

4.2.2 The licensing objectives are:

4.2.3 the prevention of crime and disorder;

4.2.4 public safety;

4.2.5 the prevention of public nuisance; &

4.2.6 the protection of children from harm [Act s.4(2)].

4.3 In carrying out its functions, the Sub-Committee must also have regard to:

4.3.1 the Council's licensing policy statement; &

4.3.2 guidance issued by the Secretary of State [Act s.4(3)].

4.4 **Transfers of premises licences – General**

4.4.1 Section 43 of the 2003 Act provides a mechanism which allows the transfer to come into immediate interim effect as soon as the licensing authority receives it, until it is formally determined or withdrawn. This is to ensure that there should be no interruption to normal business at the premises. If the police raise no objection about the application, the licensing authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder. (Guid 8.93)

4.4.2 In exceptional circumstances where the chief officer of police believes the transfer may undermine the crime prevention objective, the police may object to the transfer. Such objections are expected to be rare and arise because the police have evidence that the business or individuals seeking to hold the licence or business or individuals linked to such persons are involved in crime (or disorder). (Guid 8.94)

4.4.3 Such objections (and therefore such hearings) should only arise in truly exceptional circumstances. If the licensing authority believes that the police are using this mechanism to vet transfer applicants routinely and to seek hearings as a fishing expedition to inquire into applicants' backgrounds, it is expected that it would raise the matter immediately with the chief officer of police. (Guid 8.95)

4.4.4 In its consideration of applications where representations have been received, where relevant, particular regard will be given to the factors shown under Special Factors for Consideration. Particular regard will be given to evidence identifying any history or pattern of practice which impacts upon the Licensing Objectives. (Pol 10.1)

4.4.5 Special Factors for Consideration: Methods to discourage the handling and distribution of stolen, counterfeit goods or other illegal goods. (Pol 12.1.9)

4.5 **Police objections to new designated premises supervisors**

4.5.1 The police may object to the designation of a new DPS where, in exceptional circumstances, they believe that the appointment would undermine the crime prevention objective. The police can object where, for example, a DPS is first specified in relation to particular premises and the specification of that DPS in relation to the particular premises gives rise to exceptional concerns. For example, where a personal licence holder has been allowed by the courts to retain their licence despite convictions for selling alcohol to children (a relevant offence) and then transfers into premises known for underage drinking. (Guid 4.39)

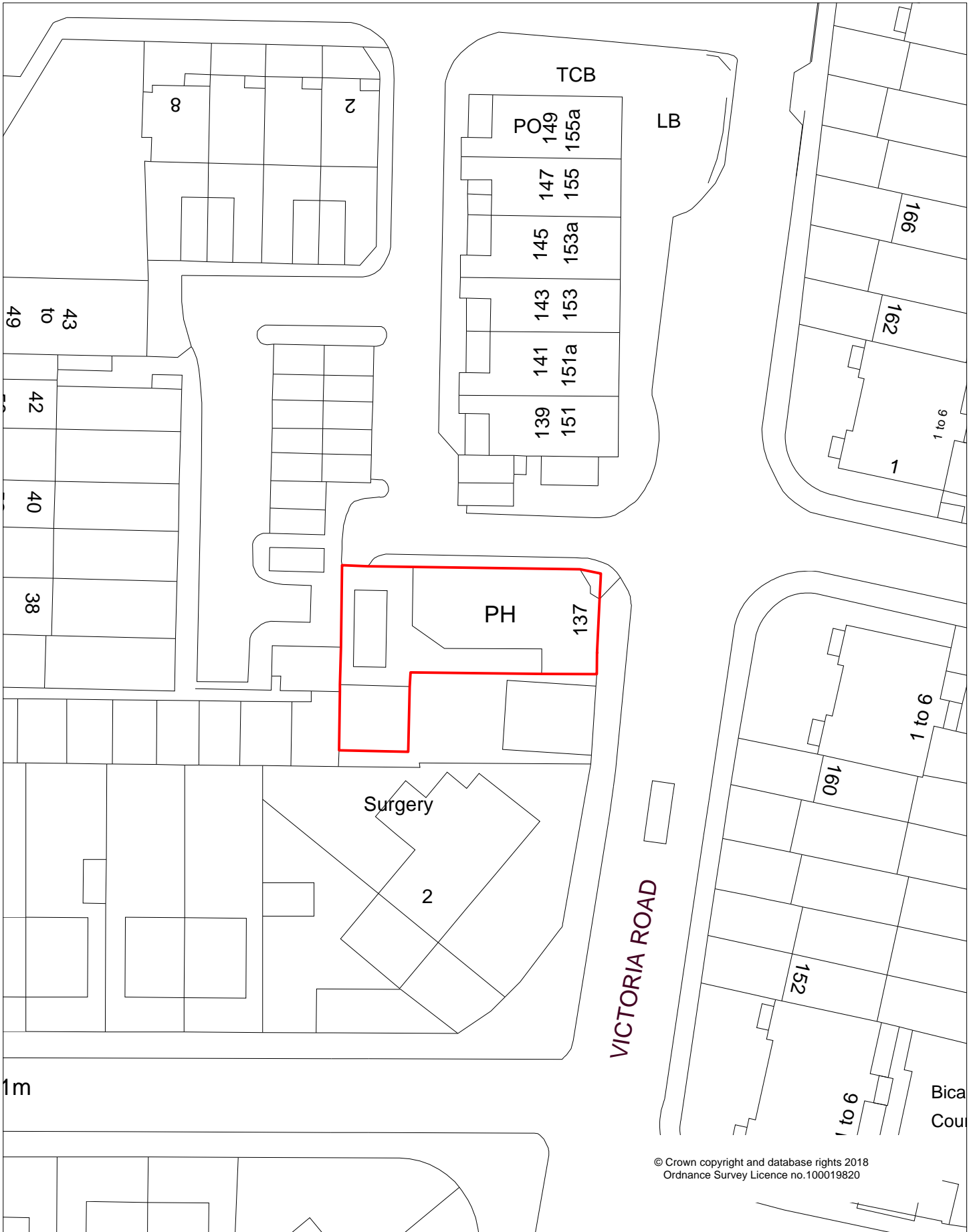
4.6 **Decision:**

4.5.1 Having heard all the representations (from both parties) the Licensing Sub-Committee must decide whether to:

- Grant the applications; or
- Reject the applications.

Background Papers :
None other than any identified within the report.

Contact Officer :
Ellie Green on 020 8379 8543



The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB



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Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : LN/200501812

Part 1 – Premises Details

Postal address of premises :

Premises name : The Hyde Arms

Telephone number : 020 8803 6669

Address : Public House 137 Victoria Road LONDON N9 9BB

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 : | 12:00 - 23:00 |
| Monday : | 11:00 - 23:30 |
| Tuesday : | 11:00 - 23:30 |
| Wednesday : | 11:00 - 23:30 |
| Thursday : | 11:00 - 23:30 |
| Friday : | 11:00 - 00:30 |
| Saturday : | 11:00 - 00:30 |
| St Patricks Day (if on Monday to Saturday) : | 11:00 - 01:30 |
| | (if on a Sunday) : 12:00 - 01:30 |
| St George's Day : (if on Monday to Saturday) : | 11:00 - 01:30 |
| | (if on a Sunday) : 12:00 - 01:30 |
| Christmas Eve : (if on Monday to Saturday) : | 11:00 - 01:30 |
| | (if on a Sunday) : 12:00 - 01:30 |
| New Years Eve : | from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day. |

- (2) **Supply of Alcohol - On and Off supplies**
- | | |
|--------------------|----------------------|
| Sunday : | 12:00 - 22:30 |
| Monday : | 11:00 - 23:00 |
| Tuesday : | 11:00 - 23:00 |
| Wednesday : | 11:00 - 23:00 |
| Thursday : | 11:00 - 23:00 |
| Friday : | 11:00 - 00:00 |
| Saturday : | 11:00 - 00:00 |
- St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- St George's Day : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.**

- (3) **Indoor Sporting Events - Indoors**
- | | |
|--------------------|----------------------|
| Sunday : | 12:00 - 22:30 |
| Monday : | 11:00 - 23:00 |
| Tuesday : | 11:00 - 23:00 |
| Wednesday : | 11:00 - 23:00 |
| Thursday : | 11:00 - 23:00 |
| Friday : | 11:00 - 23:00 |
| Saturday : | 11:00 - 23:00 |
- St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- St George's Day : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.**

- (4) **Live Music - Indoors**
- | | |
|--------------------|----------------------|
| Sunday : | 12:00 - 22:30 |
| Monday : | 11:00 - 23:00 |
| Tuesday : | 11:00 - 23:00 |
| Wednesday : | 11:00 - 23:00 |
| Thursday : | 11:00 - 23:00 |
| Friday : | 11:00 - 23:00 |
| Saturday : | 11:00 - 23:00 |
- St Patricks Day (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- St George's Day : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- Christmas Eve : (if on Monday to Saturday) : 11:00 - 01:00**
(if on a Sunday) : 12:00 - 01:00
- New Years Eve : from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day.**

(5) Recorded Music - Indoors

| | |
|---|--|
| Sunday : | 12:00 - 22:30 |
| Monday : | 11:00 - 23:00 |
| Tuesday : | 11:00 - 23:00 |
| Wednesday : | 11:00 - 23:00 |
| Thursday : | 11:00 - 23:00 |
| Friday : | 11:00 - 23:00 |
| Saturday : | 11:00 - 23:00 |
| St Patricks Day (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| St George's Day : (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| Christmas Eve : (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| New Years Eve : | from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day. |

(6) Facilities for Making Music - Indoors

| | |
|---|--|
| Sunday : | 12:00 - 22:30 |
| Monday : | 11:00 - 23:00 |
| Tuesday : | 11:00 - 23:00 |
| Wednesday : | 11:00 - 23:00 |
| Thursday : | 11:00 - 23:00 |
| Friday : | 11:00 - 23:00 |
| Saturday : | 11:00 - 23:00 |
| St Patricks Day (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| St George's Day : (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| Christmas Eve : (if on Monday to Saturday) : | 11:00 - 01:00 |
| | (if on a Sunday) : 12:00 - 01:00 |
| New Years Eve : | from the end of permitted hours on New News Eve to the start of permitted hours on New Years Day. |

Part 2

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

Name : Mr John Martin Coss

Telephone number : Not provided

e-mail : Not provided

Address : [Redacted]

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 : Mr John Martin Coss

Telephone number : Not provided

e-mail : Not provided

Address : [Redacted]

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/200900789

Issuing Authority : London Borough of Enfield

Premises Licence LN/200501812 was first granted on 17 August 2005.

Signed : [Signature]

Date : 28th January 2014

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

- 1. No supply of alcohol may be made under the premises licence:**
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or**
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.**
- 2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.**

Annex 2 - Conditions consistent with the Operating Schedule

- 3. 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.**
- 4. Responsible drinking shall be encouraged i.e. no promotions.**
- 5. The installed CCTV system must conform to the Data Protection Act. Recordings must be clear and be kept for a minimum of 31 days. The system must be regularly maintained.**
- 6. The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.**
- 7. All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.**
- 8. Windows shall be closed by 22:00.**
- 9. 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) shall be accepted.**
- 10. Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.**
- 11. At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.**
- 12. The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. 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.

13. 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 area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

14. Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

15. Live music shall be limited to two performers.

16. The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

17. Children shall only be permitted on the premises if accompanied by an adult.

18. Children under the age of 14 shall not be permitted on the premises after 21:00.

19. Children under the age of 18 shall not be permitted on the premises after 23:00.

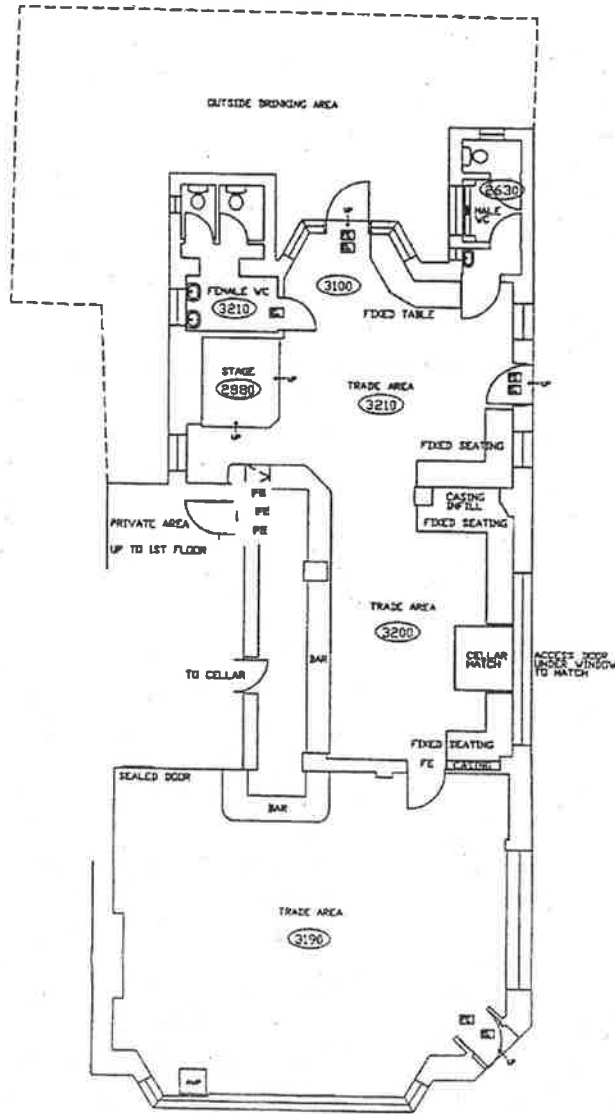
20. Noise from the premises shall not create a nuisance to local residents.

21. All staff must receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

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

Not applicable

Annex 4 – Plans



| | | REV. | COMMENT. | DATE. |
|----------------------------|---------------|---|----------|----------------------------|
| | Property Name | Hyde Arms | | LICENSING SURVEY PLAN |
| Property ID 1216301/245 | Address | 137 Victoria Road Edmonton London N9 9B8 | | Date of Survey 04/08/04 |
| | | | | Dwg. Scale AS SHOWN |

218

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21/06/18

*01200
523.00*



London Borough of Enfield

Application to transfer premises licence to be granted 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/We Mansur Duzgun
(Insert name of applicant)

apply to transfer the premises licence described below under section 42 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number LN/200501812

Part 1 - Premises details

| | |
|--|-----------|
| Postal address of premises or, if none, ordnance survey map reference or description | |
| The Hyde Arms 137 Victoria Road, Edmonton | |
| Post town | Post code |
| London | NA 9BB |
| Telephone number at premises (if any) | |
| 0208 807 0633 | |

Please give a brief description of the premises (see note 1)

Pub

Name of current premises licence holder

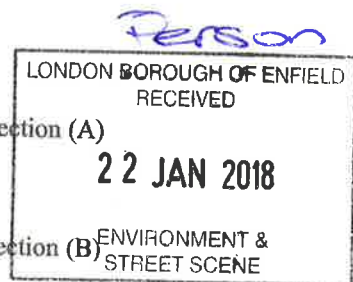
John Martin Cross

Part 2 - Applicant details

In what capacity are you applying for the premises licence to be transferred to you?

- a) an individual or individuals*
- b) a person other than an individual *
 - i. as a limited company
 - ii. as a partnership
 - iii. as an unincorporated association or

- Please tick yes
- please complete section (A)
 - please complete section (B) ENVIRONMENT & STREET SCENE
 - please complete section (B)
 - please complete section (B)



Premises Licence Seen *[Signature]*
22/01/18

- iv. other (for example a statutory corporation) please complete section (B)
- c) a recognised club please complete section (B)
- d) a charity please complete section (B)
- e) the proprietor of an educational establishment please complete section (B)
- f) a health service body please complete section (B)
- g) an individual who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in respect of an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

*If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to a
 - statutory function or
 - a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

Duzgun

First names

Mansur

Date of birth

[Redacted]

I am 18 years old or over

Please tick yes

Nationality

British

Current residential address if different from premises

[Redacted]

address

Post town

Post code

Daytime contact telephone number

E-mail address

SECOND INDIVIDUAL APPLICANT (fill in as applicable)

Mr Mrs Miss Ms

N/A

Other title

(for example, Rev)

Surname

First names

Date of birth

I am 18 years old or over

Please tick yes

Nationality

Current residential address if different from premises address

Post town

Post code

Daytime contact telephone number

E-mail address

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

| |
|--|
| Name |
| Address |
| Registered number (where applicable) |
| Description of applicant (for example partnership, company, unincorporated association etc.) |
| Telephone number (if any) |
| E-mail address |

N/A

Part 3

Please tick yes

Are you the holder of the premises licence under an interim authority notice? **NO**

Do you wish the transfer to have immediate effect?

If not when would you like the transfer to take effect?

Day Month Year
10 01 2018

Please tick yes

I have enclosed the consent form signed by the existing premises licence holder

If you have not enclosed the consent form referred to above please give the reasons why not. What steps have you taken to try and obtain the consent?

Please tick yes

If this application is granted I would be in a position to use the premises during the application period for the licensable activity or activities authorised by the licence (see section 43 of the Licensing Act 2003)

Please tick yes

I have enclosed the premises licence

If you have not enclosed premises licence referred to above please give the reasons why not.

[Empty box for reasons why not]

- I have made or enclosed payment of the fee
- I have enclosed the consent form signed by the existing premises licence holder or my statement as to why it is not enclosed
- I have enclosed the premises licence or relevant part of it or explanation
- I have sent a copy of this application to the chief officer of police today
- I have sent a copy of this form to Home Office Immigration Enforcement today

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

IT IS AN OFFENCE UNDER SECTION 24B OF THE IMMIGRATION ACT 1971] FOR A PERSON TO WORK WHEN THEY KNOW, OR HAVE REASONABLE CAUSE TO BELIEVE, THAT THEY ARE DISQUALIFIED FROM DOING SO BY REASON OF THEIR IMMIGRATION STATUS. THOSE WHO EMPLOY AN ADULT WITHOUT LEAVE OR WHO IS SUBJECT TO CONDITIONS AS TO EMPLOYMENT WILL BE LIABLE TO A CIVIL PENALTY UNDER SECTION 15 OF THE IMMIGRATION, ASYLUM AND NATIONALITY ACT 2006 AND, PURSUANT TO SECTION 21 OF THE SAME ACT, WILL BE COMMITTING AN OFFENCE WHERE THEY DO SO IN THE KNOWLEDGE, OR WITH REASONABLE CAUSE TO BELIEVE, THAT THE EMPLOYEE IS DISQUALIFIED.

I understand I am not entitled to be issued with a licence if I do not have the entitlement to live and work in the UK (or if I am subject to a condition preventing me from doing work relating to the carrying on of a licensable activity) and that my licence will become invalid if I cease to be entitled to live and work in the UK (please read guidance note 2)

Consent of Premises Licence holder to transfer

I/We Mr John Martin Cross

(full name of Premises Licence holder(s))

the premises licence holder of premises licence number

number)

(insert premises licence

LN/200501812

(name and address of premises to which the application relates)

THE HYDE ARMS 137 Victoria Rd N99BB
hereby give my consent for the transfer of premises licence number

LN/200501812

(insert premises licence number)

to

MANSUR DURGUN

(full name of transferee)

Signed name(s) JOHN CROSS

(please print) J. CROSS

Date 21/12/17

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London Borough of Enfield

Application to vary a premises licence to specify an individual as designated premises supervisor 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/we Mansur Duzgun
(full name(s) of premises licence holder)

being the premises licence holder, apply to vary a premises licence to specify the individual named in this application as the premises supervisor under section 37 of the Licensing Act 2003

Premises licence number
LN/200501812

Part 1 - Premises details

| | |
|--|---------------------------------------|
| Postal address of premises or, if none, ordnance survey map reference or description <u>The Hyde Arms 137 Victoria Road, Edmonton</u> | |
| Post town <u>London</u> | Post code (if known) <u>N9 9BB</u> |
| Telephone number (if any) <u>0208 807 0633</u> | |

Description of premises (please read guidance note 1)

Pub

Person

LONDON BOROUGH OF ENFIELD
RECEIVED

22 JAN 2018

ENVIRONMENT &
STREET SCENE

Premises licence seen 22/1/18

Part 2

Full name of proposed designated premises supervisor

Nationality *British*

Place of birth *UK*

Date of birth *04.04.1979*

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)

Full name of existing designated premises supervisor (if any)

Please tick yes

I would like this application to have immediate effect under section 38 of the Licensing Act 2003

I have enclosed the premises licence or relevant part of it

(If you have not enclosed the premises licence, or relevant part of it, please give reasons why not)

Reasons why I have failed to enclose the premises licence or relevant part of it

Please tick yes

- I have made or enclosed payment of the fee
- I will give a copy of this application to the chief officer of police
- I have enclosed the consent form completed by the proposed premises supervisor
- I have enclosed the premises licence, or relevant part of it or explanation
- I understand that if I do not comply with the above requirements my application will be rejected

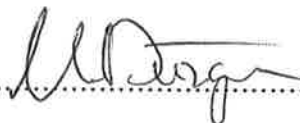
IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

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Part 3 – Signatures (please read guidance note 2)

Signature of applicant or applicant's solicitor or other duly authorised agent (See guidance note 3). If signing on behalf of the applicant please state in what capacity.

Signature



Date

22.01.2018

Capacity

Applicant

For joint applicants signature of 2nd applicant 2nd applicant's solicitor or other authorised agent (please read guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Post Code

Telephone number (if any)

E-mail address

Consent of individual to being specified as premises supervisor

I RE-ANNE CUNSAHY
[full name of prospective premises supervisor]

of 

[home address of prospective premises supervisor]

hereby confirm that I give my consent to be specified as the designated premises supervisor in relation to the application for:

Vary a premises licence to specify an individual
[type of application] as designated premises supervisor.

by

Mr Mansur Duzgun
[name of applicant]

relating to a premises licence LN/200 501812
[number of existing licence, if any]

for

The Hyde Arms
137 Victoria Road,
London, N9 9BB

[name and address of premises to which the application relates]

and any premises licence to be granted or varied in respect of this application made by

Mr Mansur Duggen
[name of applicant]

concerning the supply of alcohol at

The Hyde Arms
137 Victoria Road,
London, N9 9BB

[name and address of premises to which application relates]

I also confirm that I am entitled to work in the United Kingdom and am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.


Personal licence number

LN/201400903
[insert personal licence number, if any]

Personal licence issuing authority

Enfield Council
[insert name and address and telephone number of personal licence issuing authority, if any]

Signed



Name (please print)

RE-ANNE CUNSAHY

Date

22.01.2018

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Annex 5

**POLICE REPRESENTATION**

Name and address of premises: **The Hyde Arms**
137 Victoria Road
London
N9 9BB

Type of Application: **Transfer of a Premises Licence and Variation of a Designated Premises Supervisor (DPS)**

The Application

This is an application to transfer a premises licence and vary a DPS for the above venue from a Mr John CROSS to a Mr Mansur DUZGUN. This premises licence allows the following:-

| | |
|-----------------------------|--|
| Supply of Alcohol | Monday to Thursday 11:00 - 23:00 Friday to Saturday 11:00 - 00:00 Sunday 12:00 - 22:30 |
| Opening Hours | Monday to Thursday 11:00 - 23:30 Friday to Saturday 11:00 - 00:30 Sunday 12:00 - 23:00 |
| Indoor Sporting Events | Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 |
| Live Music | Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 |
| Recorded Music | Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 |
| Facilities for making music | Monday to Saturday 11:00 – 23:00 Sunday 12:00 – 22:30 |

There are also non - standard timings and Seasonal variations for St Patricks Day, St Georges Day and Christmas eve that allows the above activities to continue until 01:00 each day. In addition to this all the activities stated above can continue for 24 hours on New Years' Eve.

Location

This venue is situated on the corner of a residential road with residential properties behind, opposite and next to it. Nearby is a small parade of shops with residential flats above.

History

The history of the venue is not of concern to the Police, however, the Police and Mr Duzgun do have a history which raises considerable concern regarding his suitability in holding this premises licence.

I have considered these applications and wish to object on the grounds that they could undermine the Prevention of crime and disorder objective.

Mr Duzgun is the holder of a premises licence at another venue. The Police and the licensing authority have been working with Mr Duzgun since October 2016 when we had reason to visit due to a noise complaint and allegations that the premises was staying open longer than allowed hours. During that visit a number of conditions were being breached and smoking was being allowed in a space that was more than 50% enclosed.

This started a very long process of assisting and advising Mr Duzgun but he continually failed to demonstrate full compliance with the conditions on the licence despite numerous visits, meetings and warnings. This culminated in the licensing authority applying for a review, to revoke the licence, approx. a year after the first meeting. Breaches were still witnessed even after the application to review was submitted.

It was not until this happened and after recommendations to do so by the Licensing Authority, that Mr Duzgun employed an Agent. Within a very short period of time most of the breaches had been rectified by the Agent. It is obvious that Mr Duzgun would not or did not appreciate the seriousness of his non-compliance of the licence conditions. He does not appear to have an understanding of the licensing objectives or what is expected of him and does not appreciate the need for him, as the Premises Licence Holder, to be capable of demonstrating compliance with each and every licence condition and it is not the responsibility of the licensing authority or the Police. His behaviour shows a clear disregard for the law and undermines the licensing objectives.

One of my main concerns is his lack of willingness to work with us. I visited Mr Duzgun's current venue in November 2017 with the Licensing Authority and was subsequently informed of Mr Duzgun's complaint about my attendance stating he did not understand why a Police officer has to attend and that my attendance would make his customers believe his venue was a criminal hotspot.

I am a Police Licensing Officer and my sole role is to act as a responsible authority during the application and enforcement process of all Premises Licenses. I carry out visits alongside the Licensing Authority on many occasions and to many venues as we have a common goal, to assist, advise and support the PLH's and DPS's in their businesses. Should our stepped approach not be successful then enforcement action may and is taken. Police do not only attend after criminal incidents and I am unsure why one solitary Police Officer in plain clothes should make the customers assume the place is a criminal hotspot, if it is not.

The last visit and the PLH's reaction highlights his inability to work with us and reiterates the lack of confidence the Police have in Mr Duzgun and the concerns we have in Mr Duzgun not being willing or able to promote the licence objectives.

Although the licence was not revoked at the hearing, more conditions were added and Mr Duzgun had to sign a declaration stating he would not apply for any variations to the licence until a year of compliance had passed. In view of the fact that the only reason the licence is being complied with now is down to the Agent I do not feel Mr Duzgun to be a fit and proper person to hold a premises licence. I have no faith that Mr Duzgun will consciously promote any of the licensing objectives.

Should the committee be minded to grant the applications I would recommend that they only do so if the an Agent is employed to assist Mr Duzgun in demonstrating compliance.

I would also request that Mr Duzgun give an undertaking to submit a minor variation, within 2 weeks of being granted the premises licence, to amend or add conditions to the current licence to strengthen the licensing objectives as set out below in red bold text

CURRENT CONDITIONS AND REQUESTED AMENDMENTS

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence:
 - (a) At a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) At a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Annex 2 - Conditions consistent with the Operating Schedule

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.

Responsible drinking shall be encouraged i.e. no promotions.

The installed CCTV system must conform to the Data Protection Act. Recordings must be clear and be kept for a minimum of 31 days. The system must be regularly maintained

CHANGE TO

A digital CCTV system must be installed in the premises complying with the following criteria:

- (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.**
- (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
- (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.**

- (4). Provide a linked record of the date, time, and place of any image.
- (5). Provide good quality images.
- (6). Operate under existing light levels within and outside the premises.
- (7). Have the recording device located in a secure area or locked cabinet.
- (8). Have a monitor to review images and recorded picture quality.
- (9). Be regularly maintained to ensure continuous quality of image capture and retention.
- (10). Have signage displayed in the customer area to advise that CCTV is in operation.
- (11). Digital images must be kept for 28 days.
- (12). Police or authorised local authority employees will have access to images at any reasonable time.
- (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.

Add:

- Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees upon request. If the system is not working correctly then the licensing authority shall be informed immediately and no licensable activities shall be permitted to take place until it is fixed.
- All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.

The use of the beer garden shall be restricted to Monday to Saturday to 23:00 hours and to 22:30 on Sunday.

ADD A CONDITION TO ENHANCE THIS

A prominent, clear and legible notice shall be displayed at the public entrance to the garden of the premises advising customers of its terms of use. Two additional such signs shall be prominently displayed within the garden'

All doors and windows shall be kept closed but not locked during regulated entertainment, with the exception on entry and egress.

Windows shall be closed by 22:00.

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) shall be accepted.

CHANGE TO

A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.

Toilets at the premises shall be checked for any sign of drug use an average of every two hours while the premises are open to the public and a record shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days.

At least 4 prominent, clear and legible notices shall be displayed throughout the premises warning customers that drug use will not be tolerated.

The management at approximately hourly intervals shall make subjective assessments of noise levels at the perimeter of the premises whilst regulated entertainment is provided, to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for 28 days. Records must be made available to an authorised officer of the Council, upon request. 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.

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 area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Signs shall be prominently displayed on the exit doors and immediately outside the premises in the outside seating area advising customers that the premises is in a 'Drinking Control Area' and that alcohol should not be consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

Live music shall be limited to two performers.

The exit gates in the rear yard shall be kept in the open position whilst the premises are open to the public. Alternatively, a gate is to be provided of at least 900mm clear width, opening in the direction of escape, secured only with a push bar or push pad and provided with appropriate signage.

Children shall only be permitted on the premises if accompanied by an adult.

Children under the age of 14 shall not be permitted on the premises after 21:00.

Children under the age of 18 shall not be permitted on the premises after 23:00.

Noise from the premises shall not create a nuisance to local residents.

All staff must receive induction and refresher training, relating to the sale of alcohol. All training shall be documented and records kept. This record must be made available to the Police and/or Local Authority upon request.

CHANGE TO

- **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.**
- **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.**

ADD

- **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**

I reserve the right to submit further representation.

Officer: Karen Staff PC237YE

Tel: 0208 379 3915

Ye-licensing@met.pnn.police.uk

Date: 5th February 2018



POLICE REPRESENTATION – ADDITIONAL INFORMATION

Name and address of premises: **The Hyde Arms
137 Victoria Road
London
N9 9BB**

Type of Application: **Transfer of a Premises Licence**

I would like to clarify that an application to vary the DPS was also received at the same time. Although I do not have any objections to this, can I assume that should my objections for the transfer be upheld, and the transfer is not granted, then the Vary DPS would be invalid as the application was made in Mr Duzguns name?

I would also like to exhibit information to clarify some of the points in my original representations

KMS/1 - LICENSING AUTHORITY REVIEW APPLICATION FOR KALAMIS – without the attachments as these were not considered contentious. This shows the amount of visits and meetings made by the Licensing Authority and Police to assist the PLH.

KMS/2 - HEARING DECISION NOTICE FOR KALAMIS

KMS/3 - EMAIL FROM PLH KALAMIS COMPLAINING OF POLICE VISIT

I reserve the right to submit further representation.

Officer: Karen Staff PC237YE

Tel: 0208 379 3915

Ye-licensing@met.pnn.police.uk

Date: 19th February 2018

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**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 **Charlotte Palmer Senior Licensing Enforcement 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, if none, ordnance survey map reference or description | |
| Kalamis Fish Restaurant, 112 High Street | |
| Post town | Post code (if known) |
| Enfield | EN3 4ES |

| |
|---|
| Name of premises licence holder or club holding club premises certificate (if known) |
| Mr Mansur Duzgun |

| |
|---|
| Number of premises licence or club premises certificate (if known) |
| LN/201500377 |

Part 2 - Applicant details

I am

Please tick yes

- 1) an interested party (please complete (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises
- 2) a responsible authority (please complete (C) below)
- 3) a member of the club to which this application relates (please complete (A))

below)

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

Please tick

Mr Mrs Miss Ms Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick yes

Current postal address if different from premises address

Post town

Post Code

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

| |
|---|
| Name and address Charlotte Palmer Licensing Authority London Borough of Enfield PO Box 57 Civic Centre Silver Street EN1 3XH |
| Telephone number: 020 8379 3965 |
| E-mail address: charlotte.palmer@enfield.gov.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 | |
| 4) the protection of children from harm | |

Please state the ground(s) for review: (please read guidance note 1)

Enfield Licensing Authority is seeking a review of the premises licence on the grounds that those running the premises have repeatedly failed to demonstrate full compliance with the current licence conditions despite numerous visits, meetings and warnings. The plan attached to the licence is not accurate and people have been encouraged to smoke in a substantially enclosed area contrary to the Health Act 2006 through the provision of shisha pipes. The Licensing Authority has no confidence in the current Premises Licence Holder who has given false information under caution during a Police and Criminal Evidence Act 1984 interview. Despite claiming it is his business and that he is there daily Mr Duzgun has never been seen working there.

Background Information:

Please provide as much information as possible to support the application (please read guidance note 2)

Complaint and Visit History of Premises within the last 12 months (i.e. since October 2016)

12/11/16 – 00:30 - Out of Hours Licensing Enforcement Officers and the Police Licensing Officer (EVG/VPK/KS) visited the premises. The side gate was wide open and the officers were able to walk in without being challenged. Live music could be heard and disco lights were on. There were approximately 25 people sitting in the rear outside area, smoking shisha and drinking. Breach of condition 18. The officers met Mr Deniz Alemdar who claimed to be the new owner. The outside area was being used for smoking and was more than 50% enclosed – breach of Health Act 2006. An inspection report was completed, signed by an officer and Mr Alemdar and a copy was given to him. **See Appendix LA1.**

Following this visit a meeting was arranged at the premises with the named Premises Licence Holder, Mr Duzgun.

17/11/16 – Senior Licensing Enforcement Officer and the Police Licensing Officer (CPX/KS) visited the premises at a prearranged meeting with Mr Duzgun and the new Manager Mr Deniz Alemdar. A full licence inspection was carried out and a number of concerns were raised. The visit to the premises on 12/11/16 was discussed. During the meeting Mr Duzgun stated he was still the owner of the business and that it had been a private function and no one inside the premises had been charged for anything. An inspection report was completed and signed by Mr Duzgun. **See Appendix LA2.**

21/11/16 Following the meeting a letter was sent to Mr Duzgun confirming what was discussed during the meeting. The letter also reminded him of the licensed hours of the premises and listed the conditions with recommend alterations that should be made to the licence now that the back of the premises was enclosed. The letter included the following warning:

‘Given the amount of advice you have been given please take this as a warning that should officers witness breaches of licensed times or conditions in future or smoking in an enclosed or substantially enclosed area you will be invited in to attend a formal interview under caution with a view to instigating prosecution proceedings against you.’

The letter also advised that the plan showing the layout of the premises forms part of the licence and must therefore legally be accurate. **See Appendix LA3.**

21/11/16 - Smoking shelter calculator sent to Mr Duzgun which he acknowledged receipt of on the same day and asked for a meeting to discuss the smoking area.

25/11/16 – Senior Licensing Enforcement Officers (CPX/VPK) visited the premises. Work was being carried out on the rear outside area. The officers explained that it was more than 50% enclosed so no smoking was permitted - advised that they could have electronic shisha instead. Said they would do that.

04/01/17 - Noise complaint received stating it was noisy at 03.15 from a gathering in the car park, screaming and singing. Also allegation of drug dealing in the car park area.

24/01/17 - Officer emailed Mr Duzgun to inform him of this complaint which he acknowledged via email. Allegation of drug dealing denied.

24/01/17 - 15:10 - 15:40 - Senior Licensing Enforcement Officer and the Police Licensing Officer (CPX/KS) visited the premises. Entered premises and spoke to manager Mr Deniz Alemdar. Discussed allegations regarding drug dealing - this was denied. Noise from people using the car park - he said this was not their customers as they are not open to the public yet but that he does use the premises with his family and friends - the room at the back was set up with electronic shisha pipes set out at tables and fruit on the bar which was fully stocked. We asked to see the CCTV to check his claims but it appeared to have been removed. (no inspection report left)

31/01/17 – Email from complainant Saturday morning 28/01/17 at 00:55 woken by customer singing.

01/02/17 – Email from complainant regarding noise from manager leaving premises at 03:45.

01/02/17 – Mr Duzgun attended a meeting with the Police Licensing Officer, Principal Licensing Officer and Senior Licensing Enforcement Officer (KS/EVG/CPX) at their request. Looked at plan attached to licence and noticed that some doors are not shown on the plan. What was the rear garden area had also been enclosed. Went through licence conditions and again warned that breaches could result in Mr Duzgun being invited in for a formal interview under caution with a view to instigating prosecutions

proceedings and or the submission of a licence review. Mr Duzgun advised that he would be attending the premises more often to ensure conditions and times were complied with. A number of the conditions referred to the outside garden area. As the rear area had now been enclosed the meaning of the conditions was not as clear. These conditions were discussed and officers recommended that Mr Duzgun apply to amend the wording. Mr Duzgun advised Officers that only electronic shisha was in use at the premises now rather than traditional shisha pipes and that in time all shisha use would cease and the premises would become a fish restaurant and that the premises would be opening to the public on 28th February 2017. A number of other concerns raised by the complainant were also discussed.

03/02/17 Follow-up letter confirming what was discussed was sent to Mr Duzgun – **see Appendix LA4** which he acknowledged receipt of. The letter also advised him of the restriction attached to the building planning permission.

13/02/17 – Mr Duzgun confirmed he would submit a variation application and new plans that week and that realistically he wouldn't open on 28/02/17. He advised that his manager had been there on 01/02/17 as the tenants above thought they had heard someone trying to break in. Mr Duzgun confirmed that no CCTV data was recoverable due to water damage from a water leak. Mr Duzgun confirmed that the CCTV was now working, that he had a new recording box, however due to works going on at the moment and the electrics being off it currently was not on most of the time.

28/02/17 – Senior Licensing Enforcement Officer (CPX) emailed Mr Duzgun to advise him that a further noise complaint has been received alleging that on the morning of Tuesday 21st February at 03:00 people left the premises by the front entrance and gathered in the main road where their cars were parked and carried on shouting and screaming for approximately 20 minutes. The same allegedly happened at 02.45 on Wednesday 22nd February but by a smaller group. The Officer asked that Mr Duzgun provide them with a copy of the CCTV. This was not received.

01/03/17 – Further complaint received alleging that at 02:50 that morning people gathered at the front of the premises in the main road making a nuisance.

07/03/17 – Email and photos received from Mr Duzgun stating the premises was undergoing extensive decorative works and the CCTV has not been connected so the previously requested footage could not be provided.

17/03/17 – Variation application submitted to amend conditions and update plan. Granted 11/05/17. Over six weeks after the meeting.

14/06/17 - Email from complainant alleging that the premises was still operating as a shisha bar and that several times within the last two weeks they had been disturbed by patrons leaving the property between the hours of 2-3am.

16/06/17 21:25 - 22:05 - Out of Hours Licensing Enforcement Officers (CPX, EVG) visited the premises to see if they were trading and if so to carry out a full licence inspection. The door was closed at the front of the premises but there was a strong sweet smell in the air around the premises which smelt like shisha. The officers walked around into the carpark at the side of the premises and the smell became stronger. There was a male in the car park on a scooter and as they looked along the side of the premises he beeped his horn. The officers walked back to the front of the premises just as two males were entering via the front door using a pin pad to gain entry. There was a CCTV camera on the door which had red lights on it showing it was working. CPX held the door open and knocked on the door to get someone's attention. A male dressed in black came forward. The front of the shop has been refurbished but lacked any furniture.

There was nothing going on in the front of the premises and no customers in that area. People could be seen in the kitchen area. The smell of shisha was stronger inside the building. The male who approached the officers said that he didn't work there but had come to the door as he'd heard them knocking. The officers entered the premises and walked towards the kitchen as the two males they had seen enter previously crossed in front of them and went up some stairs to the flat above. The doorway to the accommodation upstairs was open and residents did not appear to have any separate entrance. In the kitchen there was a female who didn't appear to speak English and one other person. In the grill area there were small red hot cubes of coals for shisha pipes. No cooking was seen during the visit. The officers walked around to the back room of the premises. In this area there were 21 customers (19 males and 2 females) sitting playing cards, and a scrabble like game. Most appeared to be drinking soft drinks. Three shisha pipes were being used. A very small area of the room - less than 5% was open at the far end -breach of Health Act 2006. The officers spoke to a second male who gave his name as Orhan and said he was a member of staff and that the first male was his friend who didn't work there. He said there were two staff working and two friends there in the kitchen area. CPX advised that they were from the Licensing Enforcement Team and were there to investigate a complaint alleging that the premises was trading as a shisha bar with loud music and people noise affecting local residents and that they would also be carrying out a full licence inspection. She advised that there were too many people in the back area of the premises at that time and that they should not be smoking in the room. He phoned Mr Duzgun and spoke to him on the phone. He then handed the phone to CPX who told Mr Duzgun about the complaint, that smoking legislation and the licence were being breached. He advised that he was currently on the M25 motorway at junction 12 so would not be able to get there for some time. He apologised and said they should not be smoking in there. CPX advised him that she would carry out an inspection and would invite him in to attend a meeting about it. CPX handed the phone back to Orhan. As she was aware that the Police Licensing Officer was working that night CPX called her in case she wanted to come down and see what was going on. After speaking to the PLH the officers carried out a full inspection and looked around the premises. Staff spoke to the customers advising them that the premises would be closing and that they would have to leave. Optics were on display with various spirits, the till was on, CPX picked up 2 receipts, one showing the sale of a Budwiser at 21:20 and the other the sale of a Red Bull at 21:20. This showed that alcohol was being sold and the licence was in use. The remains of one meal were seen on a table but there was no longer a customers at that table. There was a large television projector screen playing music. PC Karen Staff and PC Steve Elsmore entered the premises at approximately 21:50 by which time all customers had been asked to leave - several were waiting outside. Inspection carried out and the following conditions were being breached: 2, 3, 4, 5, 6, 8, 10, 11, 12, 13, 15, 17. Inspection report completed and copy signed by and given to Orhan. Also requested they provide the CCTV footage for the last week i.e. from 09/06/16. On looking around the room Officers saw red hot coals on top of a shisha pipe with no cover over them. This was dangerous as it could easily have been knocked over and the building was almost if not totally made of wood, including a decking floor. There was an electrical cable hanging down, a hairdryer on a table which it is believed is used to blow on the coals to keep them burning and heaters on the walls. Near the side gate there were lots of paint pots and decorating equipment, bottles and gas cylinders, The side gate is meant to be used by residents and the bolt was difficult to get to because it was obstructed by a pillar, concerns for fire safety (CPX advised Fire Service of concerns on 20.06.17). EVG took photos of the premises. All four officers left via the side gate and noticed that a group of customers were still outside. EVG also noticed that the plan was still not correct. Officers waited until the customers had gone then left the area at 22:05. **See Appendix LA5, LA6 and photos LA6.** CCTV was not provided.

14/07/17 – 14:00 – Mr Duzgun was interviewed under caution (CPX/EVG) in relation to alleged offences under the Licensing Act 2003 and the Health Act 2006. Mr Duzgun said

that he had sublet the premises to a Mr Das and then to Mr Alemdar but that he stopped subletting it in March / April 2017. He claimed that he is at the premises everyday 5-10 hours and that all of the bills are in his name and his responsibility. He said that the premises would be a fish restaurant and that he had a special chef coming out from Turkey to work there. He went on to say that Orhan and Deniz have day to day control of the premises. He also claimed that the premises was not yet open to the public and that the event on 16/06/17 had been a private party to celebrate the birth of Orhan's baby. He said they Orhan has asked him if he could have a party and that he had said no but that Orhan had gone ahead without his permission. Mr Duzgun brought a birth certificate with him to the interview. No mention of this was made by anyone at the premises at the time of the visit. When asked what he understood by the term smoke free Mr Duzgun said 50% open at least. He said that he would not give the keys of anyone again and that he would be there from now on. He said that the events happened without his knowledge. Mr Duzgun said that the CCTV had not been working as there was no power to that area of the premises due to the work that was taking place. At the end of the interview the officer stressed to Mr Duzgun that the plan attached to the licence must be accurate and all conditions complied with before any further activities took place at the premises.

14/07/17 - 20:40 Out of Hours Licensing Enforcement Officers (CPX/EVG) visited the premises following the interview early that day. The premises was open. Both Deniz Alemdar and Orhan were in the premises along with six other people and 2 female cleaners. When asked Mr Alemdar said the six people were a mixture of his friends and a couple of customers. Three groups of 2 people, not sitting together so didn't appear to know each other. The friends and customers were smoking shisha (not electronic) When asked Mr Alemdar stated that he would be sub-letting the premises and that he currently pays all the bill - rates etc. He said that he hopes to open the restaurant in 2 weeks time and that his Uncle will be the chef – he denied that His Uncle was travelling over from Turkey for the job. Mr Alemdar advised that the residents upstairs had moved out. Half the roof at the back of the premises was now retractable and the sides of rear room had been altered – they were now clear plastic instead of wood. The plan attached to the licence was not accurate. The officers advised that only electronic shisha was permitted inside the building. Tobacco sign on display, Think 25 posters on display, leave quietly posters on display. No alcohol in tall fridge but there was alcohol in the fridge behind the counter. Optics on display, spirits, champagne, wine. One chicken shish cooking - for staff. Till off. Mr Alemdar advised that the business rates, electric etc were all in his name – and showed the officers paperwork – this contradicted what Mr Duzgun said in his interview. Mr Alemdar said that Orhan will be his member of staff. When asked he said that the buzzer system would be removed the next day. When asked if he was selling alcohol Mr Alemdar said that if customers asked for it of course he would sell it. The front of the shop was still not ready to use. Mr Alemdar said the CCTV was working and had been for 3 weeks – again this contradicted what Mr Duzgun had told officers during his interview. Four people left the premises whilst the Officers were there. EVG took photos. Inspection report left. **See Appendix LA8 and photos as LA9.**

20/07/17 – Email from Mr Duzgun stating that he is willing to stop the shisha part of the business if the Licensing Authority compromises and allows the rear area of the premises to be used for the same times as the front of the premises i.e. until midnight. **See Appendix LA10.**

04/08/17 – Officers visited the premises (CPX/VPK) at a pre-arranged meeting with Mr Alemdar and Orhan to discuss the smoking area which was still more than 50% enclosed. Mr Alemdar had removed some of the wooden sides and replaced them with removable see through plastic. He was advised that even though they could be remove the area was still more than 50% enclosed. Different options were discussed and it was decided that he would remove the sides and replace them wire mesh. It was agreed that if enough

sides were replaced this would bring the area into compliance with smoking legislation. Buzzer system had been removed. Photos were taken of the room and bills showing Mr Alemdar as the bill payer. **See Photos LA11.**

14/08/17 – Letter sent to Mr Duzgun advising that Officers have had conversations with Mr Alemdar which contradict answers that Mr Duzgun gave under caution and that Officers have also see official documents which show that Mr Alemdar is paying the bills for the premises which also contradicts what Mr Duzgun said under caution. The letter went on to say that the Licensing Authority lacks confidence in him as the premises licence holder as the conditions were not being complied with, the plan was not correct, and the named DPS did not work at the premises. The letter advised that as a result the Licensing Authority intended to submit a licence review application. **See Appendix LA12.**

18/08/17 - DPS variation submitted, granted 06/09/17.

24/08/17 - Photos sent to officer (VPK) by Mr Alemdar showing that the plastic sides had been removed and wire mesh put up in their place. As the rear wall was still partly up the area was still more than 50% enclosed. **See Appendix 13.**

09/09/17 – 00:20 - Out of Hours Licensing Enforcement Officers (EVG/VPK) visited the premises which was closed. It was noted that the corrugated plastic sheets had been put back meaning that the shelter was substantially enclosed.

13/09/17 – Officer (VPK) had telephone conversation with Mr Alemdar regarding the rear area still being more than 50% enclosed. Mr Alemdar agreed to remove the plastic sheets and advised that he would need time to remove the back wall.

13/09/17 - Business Rates records show that Mansur Duzgun was liable for business rates from 27/04/15 – 08/05/16 then Mr Kamran Das from 09/05/16 – 09/11/16 and Mr Alemdar has been liable for paying the business rates since 10/11/16.

22.09.17 – 23:15 – 23:45 - Out of Hours Licensing Enforcement Officers (CPX/VPK) visited the premises to carry out a full licence inspection. The following conditions were not being complied with:

3. 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.

5. 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.

7. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst recorded music is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. 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.

10. A digital CCTV system must be installed in the premises complying with the following criteria:

(1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.

(2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.

(3). Cameras overlooking floor areas should be wide angled to give an overview of the

premises.

- (4). Provide a linked record of the date, time, and place of any image.
- (5). Provide good quality images.
- (6). Operate under existing light levels within and outside the premises.
- (7). Have the recording device located in a secure area or locked cabinet.
- (8). Have a monitor to review images and recorded picture quality.
- (9). Be regularly maintained to ensure continuous quality of image capture and retention.
- (10). Have signage displayed in the customer area to advise that CCTV is in operation.
- (11). Digital images must be kept for 28 days.
- (12). Police or authorised local authority employees will have access to images at any reasonable time.
- (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.
18. The rear room shall not be used after 22:00.

Part B of the licence must be displayed. The plan attached to the licence is not accurate. A new plan must be submitted. Advised that a licence review is very likely due to repeated breaches and incorrect plan. Officer will email resources again to help you comply. Eleven people using rear room. Two musicians- live music in front of premises and 1 customer. Restaurant now open. Rear still more than 50% enclosed. Three Shisha pipes being used. People playing games. Plastic sheets up on last 2 panels, one at very back and on right as you enter rear room. TV on- not loud, music channel? One shisha pipe taken away by staff at 23:19. One side of ceiling is now totally a retractable roof. Think 25 poster seen. Tobacco signage seen. Leave quietly poster seen. No alcohol being consumed during visit but live music being provided inside so licence was being used. **See Appendix LA14** Officer drew alterations on copy of plan – **see Appendix LA15**.

26/09/17 – Resources emailed to DPS.

To date the plans attached to the licence are still not correct. The premises is now trading under the name Kalamis Fish Restaurant.

Conclusion

The continued breaches of the licence have lead to a lack of confidence in those running the premises. The Licensing Authority therefore recommend that the licence be revoked.

If the Licensing Sub Committee is not minded to revoke the premises licence the Licensing Authority recommends that the conditions be strengthened as detailed below and the licence be suspended until a new accurate plan has been submitted and full compliance with the licence conditions and Health Act 2006 has been demonstrated.

Add the following licence conditions

- All staff engaged in the sale/supply of alcohol shall be trained to operate the CCTV system and to download images/footage upon request by Police or authorised local authority employees.
- Customers entering the premises shall not need to use a buzzer system to gain entry to the premises.

- Windows at the front of the premises and the side panels of the premises shall not be obstructed. This is to allow a clear view into the premises.

Complaints have been received from local residents and advice regarding conditions, the plans and smoking issues has repeatedly been given to Mr Duzgun over the last year.

Mr Duzgun kept claiming that the premises was not trading but this does not appear to be the case when officers visit and is not what officers are told by his Manager.

Despite having at least three different names this premises has only ever been seen trading as a shisha café.

Given the number of times Mr Duzgun and his staff has been told of alleged breaches of conditions, times and smoking legislation the Licensing Authority feels they have no choice but to submit this review application.

The Licensing Authority reserve the right to add any additional information to support this review application.

| | |
|---|----------|
| Suspension of Licence: | N |
| Revocation of Licence: | Y |
| Recommended period of suspension (max 3 months): | |
| | |

Have you made an application for review relating to this premises before **No**

If yes please state the date of that application

If you have made representations before relating to these premises please state what they were and when you made them.

LA representations dated 17/07/15 made when new Premises Licence Application submitted. Conditions recommended. Licence granted 22/07/17

Please tick yes

- 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 3)

Signature of applicant or applicant’s solicitor or other duly authorised agent
(See guidance note 4). **If signing on behalf of the applicant please state in what capacity.**



Signature:

Date: 6th October 2017

Capacity: Licensing Enforcement Officer

| | |
|---|------------------|
| Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) | |
| 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. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

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KMS/2

**LONDON BOROUGH OF ENFIELD LICENSING AUTHORITY
LICENSING ACT 2003 (HEARINGS) REGULATIONS 2005
DECISION NOTICE**



LICENSING SUB-COMMITTEE – 29 NOVEMBER 2017

Application was made by the **LICENSING AUTHORITY** for a review of the Premises Licence held by **MR MANSUR DUZGUN** at the premises known as and situated at **KALAMIS FISH RESTAURANT, 112 HIGH STREET, ENFIELD, EN3 4ES.**

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 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.

Date Notice Sent : 30 November 2017

Signed:

Principal Licensing Officer

APPEAL

Under the Licensing Act 2003 you have a right of appeal against this decision within 21 days of receiving this notice. Any appeal should be made in writing to the North London Magistrates Court at the following address :

North London Magistrates Court
Highbury Corner, 51 Holloway Road, London, N7 8JA

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KMS/3

From: mansur duzgun
Sent: 09 November 2017 10:11
To: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>; Ellie Green <Ellie.Green@Enfield.gov.uk>
Subject: Re: Kalamis - URGENT [SEC=OFFICIAL]
Importance: High

Dear Charlotte,

Attached is another updated plan.

Can you advise why you are visiting the premises with a police officer?, have there been any criminal allegations, has a criminal incident occurred at the premises?, have you ever been threatened by myself or any of the staff on the premises, can you please explain the purpose and role of the police officer accompanying you to the visit?, I would understand if you visited with another colleague from your department, but I do not understand the purpose of a police officer visiting with you whilst you are carrying out your duties.

By bringing a police officer to my premises when here have been no criminal incidents, you are giving the business the wrong reputation, I do not want the public to assume that my place is a criminal hotspot.

If you are planning to visit the business again, please advise me of when you are doing so as I would like to be present. Or better still contact the DPS and he will be present.

In regards to the alcohol zone poster being displayed, this is the first time you have asked us to display this. Why have you not asked us to display this before, upto now, we have cooperated with you and have tried our best to put in place what you have asked for.

In regards to the CCTV, the licence condition states that Police & council authorised staff will have access at reasonable times. Turning up at any time of the day with no notice is not reasonable, for privacy & security issues, as a responsible business, only authorised staff members access the images held. Orhan advised you that he is only authorised to access the images if the DPS is at the premises, which is after 2pm, but on your sheet, you have written "Orhan knew the password but not how to check the system".

On your sheet, conditions C17, 18 & 19 have been listed as not in compliance but alongside this you have written - will be checked during an evening visit. If you are to check these conditions on an evening visit, why have you listed them as non compliant?,

Please advise me urgently if you think the plan should be amended again. If I do not hear from you by 3pm today to confirm that you are happy with the plan, I will assume that you have accepted the amended plan.

Will you be visiting the premises again to check this plan?, if so please advise so that I can be present.

Regards Mansur

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Applicant's Response

From: mansur duzgun [REDACTED]

Sent: 19 February 2018 11:15

To: Ellie Green <Ellie.Green@Enfield.gov.uk>

Subject: Re: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB. [SEC=OFFICIAL]

Dear Ellie,

Thank you for your email.

I am happy to accept all of the additional terms but am unsure of what a few of them mean, can you clarify the full meaning of the following:

Camera

4. Provide a linked record of the date, time, and place of any images - what does this mean?

6. Operate under existing light levels within and outside the premises - currently lighting is at different levels, there are wall lights which are at a low level and there are ceiling lights which are at a high level. It is a high ceiling and the ceiling lighting is not enough hence the wall lighting. Putting a camera under the wall lighting would not be practical, would be prone to vandalism and will not provide clear footage, however the current camera system in place has taken into consideration the lighting. You are more than welcome to come down to see.

At the end of the added information for the CCTV, you have a chapter that begins with "Prior to opening each day", the main thing that concerns me is that it states "no licensable activities shall be permitted to take place until it is fixed". As drinking is the only source of the pubs income, not serving any drinks until a CCTV engineer attends site to rectify any problems means that the pub will have to be closed, this will mean no income, no matter how hard you try, it is not always possible to get a CCTV engineer or any other contractor to site on the same day. For this reason, I am not happy for this to be put into the licence. The pub does not have a history of anti social behaviour and neither did 112 High Street.

Can I offer the following compromise?

No licensable activities to be permitted to take place after 48 hours of the CCTV not working. This would give us reasonable time to get a CCTV engineer on site. For example: if the CCTV goes down late Friday, it would be very difficult to get a CCTV engineer to site on Saturday, Sunday & even the following Monday.

Also, I am not happy with the reasoning for the representation given by the police officer, her statement is unfair, she states that I have been a difficult person to deal with and seems to be basing this statement on the fact that I questioned her role and why she was visiting 112 High Street with Charlotte Palmer, I have always been under the impression that police officers visit an establishment when there have been criminal incidents, as there were never any criminal incidents at 112 High

Street my questioning was genuinely because I did know why she was attending the business every time Charlotte Palmer attended site.

I questioned her role on one occasion, because her role was not explained to me until after I questioned it. I do not understand why this has offended her so much.

Kind regards

Mansur

From: Ellie Green <Ellie.Green@Enfield.gov.uk>

Sent: 19 February 2018 11:38

To: mansur duzgun

Cc: Karen Staff

Subject: RE: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB. [SEC=OFFICIAL]

Dear Mr Duzgun

Thank you for your email.

I note your agreement to the conditions, subject to some minor changes and queries. I have included PC Staff in this email so that she can respond to your points raised.

I must emphasise that by agreeing to the conditions in principle does not override the police objection of the applications and the hearing is still required.

PC Staff states that if the Licensing Sub-Committee grant the applications, then these conditions would need to be added by means of a minor variation, which would be your responsibility to complete, pay the fee and submit to the Licensing Team (within 2 weeks of the hearing).

Once the discussions on this matter has been finalised between PC Staff and yourself, any indication to agreement of the conditions will be included in the report if submitted in the required timeframe, or I will confirm this verbally at the hearing itself.

Please can you confirm whether the email below is your response to the police objections and is to be included in the report, or whether you wish to submit something else, as well as or instead of?

Regards

Ellie Green

Principal Licensing Officer

From: mansur duzgun [REDACTED]
Sent: 19 February 2018 12:23
To: Ellie Green <Ellie.Green@Enfield.gov.uk>
Cc: Karen.Staff@met.pnn.police.uk
Subject: Re: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB. [SEC=OFFICIAL]

Dear Ellie,

Thank you for your prompt response.

The email below is my response to PC Staff's objections. I will await an email from PC Staff to discuss the points further.

I understand that the new conditions will need to be added by means of a minor variation application which will need to be submitted by myself within two weeks of the hearing date. I also understand that a hearing will still be required.

Kind regards

Mansur

From: Karen.Staff@met.pnn.police.uk [mailto:Karen.Staff@met.pnn.police.uk]
Sent: 19 February 2018 14:48
To: mansur.
Cc: Ellie Green <Ellie.Green@Enfield.gov.uk>
Subject: RE: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB. [SEC=OFFICIAL]

Dear Mr Duzgun [REDACTED]

Your email has been forwarded to me to enable me to reply to your comments regarding the CCTV condition –

4. Provide a linked record of the date, time, and place of any images – this means you need to ensure the date and time is always correct on the system and is linked to each camera and shows on the monitor.
6. Operate under existing light levels within and outside the premises – this means that no matter what type of lighting you have, even if it differs from place to place, the system should still provide good images with no light glare hindering the image.

The reason I have requested the added CCTV condition is due to the historic issues we have had with your CCTV system in the past. On numerous occasions the CCTV would not be working even after you had told us it was. CCTV is an essential ingredient in deterring crime and gathering evidence if crime is committed, it is also the best way to counter any allegations of wrong doing from third parties. I have considered your alternative and will agree to the condition worded as below:-

Prior to opening each day, staff shall check that the CCTV is working correctly. A record of when and who checked the system shall be documented and these records shall be kept for at least six months. These records shall be kept on the premises and made available to police or authorised local authority employees upon request. If the system is not working correctly then the licensing authority or the Police shall be informed immediately and steps made to have the problem fixed. No licensable activities shall be permitted to take place should the CCTV not be fixed 48 hours after the CCTV is found to not be working.

Regards

Karen Staff PC237YE

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Additional Information from Applicant

From: mansur duzgun

Sent: 20 February 2018 11:08

To: Ellie Green <Ellie.Green@Enfield.gov.uk>

Subject: Re: The Hyde Arms, Public House, 137 Victoria Road, LONDON, N9 9BB. [SEC=OFFICIAL]

Importance: High

Dear Ellie,

Can I please also submit the attached for the hearing. Apologies for the inconvenience, I did say I have nothing else to submit but now feel that the attached are relevant.

Kind regards

Mansur

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Outlook Email

charlotte palmer

[+] New | [v] Reply | [v] Delete | [v] Archive | Junk | [v] Sweep | Move to | [v] ... [up] [down]

Search results

Re: Ariya, 112 High Street [SEC=OFFICIAL]

In folders

MD mansur duzgun
Wed 16/11/2016, 11:10
Charlotte Palmer (Charlotte.Palmer@enfield.gov.uk) [v]

All folders


Inbox

✓ Sent Items

Good morning Charlotte

From

Thank you for your response and i look forward to meeting you tomorrow .

 mansur duzgun
mansur.duzgun@

Kind regards

Options

Mansur Duzgun

With attachments

Date

All

This week

Last week

This month

Select range

From

Mon 13/11/2017

To

Mon 13/11/2017

From: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>
Sent: 16 November 2016 10:03
To: mansur [REDACTED]
Subject: Ariya, 112 High Street [SEC=OFFICIAL]

Classification: OFFICIAL
Hi,

PC Karen Staff (Police Licensing Officer) and I can attend the premises tomorrow at 1:30. We shall go through the whole licence with new manager.

Regards

Charlotte Palmer
Senior Licensing Enforcement Officer
Environment & Regeneration
Enfield Council
Silver Street
Enfield
EN1 3XY

Tel: 0208 379 3965
Email: charlotte.palmer@enfield.gov.uk

Enfield Council is committed to serving the whole borough fairly, delivering excellent services and building strong communities.

Classification: OFFICIAL



IMPORTANT

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This email has been scanned for viruses but we cannot guarantee that it will be free of viruses or malware. The recipient should perform their own virus checks.

Outlook Email

From: (Charlotte Pa)

New | Reply | Delete | Archive | Junk | Sweep | Move to | ...



Search results

Kalamis Fish Restaurant, 112 High Street, ENFIELD, EN3 4ES. [SEC=OFFICIAL]

In folders

All folders

Inbox

From

Charlotte Palme
charlotte.palmer

Licensing
licensing@enfiel

Options

With attachments

Date

All

This week

Last week

This month

Select range

From

Mon 13/11/2017

To

Mon 13/11/2017

CP Licensing <Licensing@enfield.gov.uk>

Mon 16/10, 12:24

You

112 high street.pdf

750 KB

Download Save to OneDrive - Personal

Classification: OFFICIAL

Dear Mr Duzgun,

I have checked our records and the last Vary DPS application was granted on 06.09.17. I have noticed the email address used by the Team was not complete so it may not have been delivered. I am forwarding their email and licence on to you in the form of this email.

A minor variation application costs £89.

Regards

Charlotte

From: Gill Aylott **On Behalf Of** Licensing
Sent: 06 September 2017 12:31
To: mansur [Redacted]
Subject: ish Restaurant, 112 High Street, ENFIELD, EN3 4ES. [SEC=OFFICIAL]

Classification: OFFICIAL

Dear Sir

Please see attached up to date licence for the above premises.

Kind regards

Council Housing and Regulatory Services
Health, Housing and Adult Social Care
Enfield Council
Silver Street
Enfield
EN1 3XY

Tel: 020 8379 3578
Email: licensing@enfield.gov.uk

Website: www.enfield.gov.uk

'Enfield Council is committed to serving the whole borough fairly, delivering excellent services and building strong communities'.

Classification: OFFICIAL

Classification: OFFICIAL

ENFIELD
Connected

IMPORTANT

Every Enfield resident should register for an online Enfield Connected account. Enfield Connected puts many Council services in one place, speeds up your payments and saves you time. [Click here to get connected.](#)



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/201500377
Your Ref : NOT PROVIDED
Date : 17th August 2016

Mr Mansur Duzgun

Dear Mr Mansur Duzgun

Licensing Act 2003

Premises : Ariya Cafe Bar, 112 High Street, ENFIELD, EN3 4ES

This letter concerns the Premises Licence under the Licensing Act 2003. In response to the new premises licence application that you submitted in June 2015, the Licensing Authority proposed a list of conditions to which you agreed and the representation was subsequently been withdrawn.

It has today been brought to my attention that a number of conditions are missing from your current copy of the premises licence and does not include all the conditions agreed with the Licensing Authority. The premises licence has now been amended to reflect this and all times and conditions of the licence must be complied with and has immediate effect. Please dispose of the last copy of the licence as it is not valid.

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 Business Companion website provides guidance on the prevention of sales of alcohol to children at

<https://www.businesscompanion.info/en/quick-guides/underage-ales/alcohol/#Preventingthesaleofalcoholtochildrenanoverview>

Please print any 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 blue ink, appearing to read 'EG', with a long horizontal flourish extending to the right.

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/201500377

Part 1 – Premises Details

Postal address of premises :

Premises name : Ariya Cafe Bar

Telephone number : 020 8804 1942

Address : 112 High Street ENFIELD EN3 4ES

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 : | 07:00 - 00:00 |
| Monday : | 07:00 - 00:00 |
| Tuesday : | 07:00 - 00:00 |
| Wednesday : | 07:00 - 00:00 |
| Thursday : | 07:00 - 00:00 |
| Friday : | 07:00 - 00:00 |
| Saturday : | 07:00 - 00:00 |

(2) Supply of Alcohol - On & Off Supplies

| | |
|--------------------|----------------------|
| Sunday : | 12:00 - 23:30 |
| Monday : | 11:00 - 00:00 |
| Tuesday : | 11:00 - 00:00 |
| Wednesday : | 11:00 - 00:00 |
| Thursday : | 11:00 - 00:00 |
| Friday : | 11:00 - 00:00 |
| Saturday : | 11:00 - 00:00 |

(3) Live Music - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 16:30 - 22:30 |
| Monday : | 18:00 - 00:00 |
| Tuesday : | 18:00 - 00:00 |
| Wednesday : | 18:00 - 00:00 |
| Thursday : | 18:00 - 00:00 |

| | |
|-------------------|----------------------|
| Friday : | 18:00 - 00:00 |
| Saturday : | 18:00 - 00:00 |

(4) **Recorded Music - Indoors & Outdoors**

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

(5) **Late Night Refreshment - Indoors & Outdoors**

| | |
|--------------------|----------------------|
| Sunday : | 23:00 - 00:00 |
| Monday : | 23:00 - 00:00 |
| Tuesday : | 23:00 - 00:00 |
| Wednesday : | 23:00 - 00:00 |
| Thursday : | 23:00 - 00:00 |
| Friday : | 23:00 - 00:00 |
| Saturday : | 23:00 - 00:00 |

Part 2

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

Name : Mr Mansur Duzgun

Telephone number : Not provided

e-mail :

Address :

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 : Mr Homaun Kabir

Telephone number :

e-mail :

Address :

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 : 00924

Issuing Authority : London Borough of Hounslow

Premises Licence LN/201500377 was first granted on 22 July 2015.

Signed :



Date : 17th August 2016

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. 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.**
- 2. 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.**
- 3. 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.**
- 4. A 'Think 25' proof of age scheme shall be operated and relevant material shall be displayed at the premises.**
- 5. 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.**
- 6. 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.**
- 7. The management shall make subjective assessments of noise levels outside at the perimeter of the premises approximately hourly, whilst recorded music is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records must be made available to an authorised officer of the Council or police, upon request. 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.**
- 8. All external doors and windows to be kept closed but not locked whilst music is provided.**
- 9. Deliveries shall not be made to the premises between 16:00 - 08:00 hours.**

10. A digital CCTV system must be installed in the premises complying with the following criteria:

- (1). Cameras must be sited to observe the entrance and exit doors both inside and outside, the alcohol displays, and floor areas.**
- (2). Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.**
- (3). Cameras overlooking floor areas should be wide angled to give an overview of the premises.**
- (4). Provide a linked record of the date, time, and place of any image.**
- (5). Provide good quality images.**
- (6). Operate under existing light levels within and outside the premises.**
- (7). Have the recording device located in a secure area or locked cabinet.**
- (8). Have a monitor to review images and recorded picture quality.**
- (9). Be regularly maintained to ensure continuous quality of image capture and retention.**
- (10). Have signage displayed in the customer area to advise that CCTV is in operation.**
- (11). Digital images must be kept for 28 days.**
- (12). Police or authorised local authority employees will have access to images at any reasonable time.**
- (13). The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy. If this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Immediate copies must be made available to Police or authorised local authority employees on request.**

11. Signs shall be prominently displayed on the exit doors advising customers that the premises is in a 'Designated Public Place Order' and that alcohol should not be taken off the premises and consumed in the street. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.

12. Alcohol shall only be sold ancillary to a meal purchased at the premises.

13. Alcohol shall only be served to people taking table meals or waiting to be seated for a meal.

14. Children shall only be permitted to enter and remain on the premises if accompanied by an adult.

15. A personal licence holder shall be on the premises when licensable activities are taking place.

16. Music shall not be provided in the outside seating area.

17. There shall be no more than 30 people in the rear garden area from opening time until 21:00 and no more than 10 people shall be permitted in the rear garden area between 21:00 and 22:00.

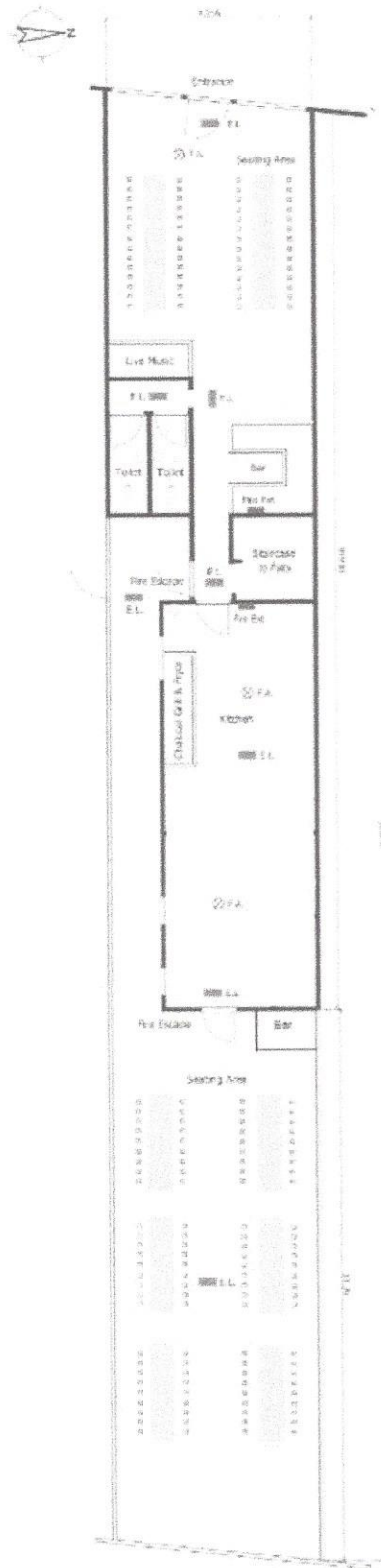
18. The rear garden area shall not be used after 22:00 except for the purpose of smoking. A small designated smoking area shall be cordoned off in the rear garden area for the purpose of smoking from 22:00 until closing with no more than 10 people being permitted to use the smoking area from this time.

19. Drinks shall not be permitted in the rear garden after 22:00.

Annex 3 - Conditions attached after a hearing

Not applicable

Annex 4 – Plans



112 High Street, Faversham Kent, EN9 4DZ

Floor Plans

Abbreviations

- F.A. = Fire Alarm
- E.L. = Emergency Lighting
- Fire Exit = Green R.O.D. Fire Exit, other & Fire Staircase

Scale 1:100

1:100m = 1:34.448ft

Licensing Act 2003**PART B – PREMISES LICENCE SUMMARY**

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number : **LN/201500377**

Part 1 – Premises Details

Postal address of premises :

Premises name : **Ariya Cafe Bar**

Telephone number : **020 8804 1942**

Address : **112 High Street ENFIELD EN3 4ES**

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 : | 07:00 - 00:00 |
| Monday : | 07:00 - 00:00 |
| Tuesday : | 07:00 - 00:00 |
| Wednesday : | 07:00 - 00:00 |
| Thursday : | 07:00 - 00:00 |
| Friday : | 07:00 - 00:00 |
| Saturday : | 07:00 - 00:00 |

(2) Supply of Alcohol - On & Off Supplies

| | |
|--------------------|----------------------|
| Sunday : | 12:00 - 23:30 |
| Monday : | 11:00 - 00:00 |
| Tuesday : | 11:00 - 00:00 |
| Wednesday : | 11:00 - 00:00 |
| Thursday : | 11:00 - 00:00 |
| Friday : | 11:00 - 00:00 |
| Saturday : | 11:00 - 00:00 |

(3) Live Music - Indoors

| | |
|--------------------|----------------------|
| Sunday : | 16:30 - 22:30 |
| Monday : | 18:00 - 00:00 |
| Tuesday : | 18:00 - 00:00 |
| Wednesday : | 18:00 - 00:00 |
| Thursday : | 18:00 - 00:00 |
| Friday : | 18:00 - 00:00 |

| | |
|-------------------|----------------------|
| Saturday : | 18:00 - 00:00 |
|-------------------|----------------------|

(4) Recorded Music - Indoors & Outdoors

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

(5) Late Night Refreshment - Indoors & Outdoors

| | |
|--------------------|----------------------|
| Sunday : | 23:00 - 00:00 |
| Monday : | 23:00 - 00:00 |
| Tuesday : | 23:00 - 00:00 |
| Wednesday : | 23:00 - 00:00 |
| Thursday : | 23:00 - 00:00 |
| Friday : | 23:00 - 00:00 |
| Saturday : | 23:00 - 00:00 |

Part 2

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

Name : Mr Mansur Duzgun

Address :

Registered number of holder (where applicable) :

Not applicable

Name and (registered) address of second holder of premises licence (where applicable) :

Name : Not applicable

Address :

Name of designated premises supervisor (where the licence authorises the supply of alcohol) :

Mr Homaun Kabir

State whether access to the premises by children is restricted/prohibited :

Not Restricted

Premises Licence LN/201500377 was first granted on 22 July 2015.

Date : 17th August 2016

**London Borough of Enfield
Licensing Unit, Civic Centre, Silver Street, Enfield EN1 3XH
Telephone : 020 8379 3578**



Annex 1 – Mandatory Conditions

Mandatory conditions where the licence authorises the sale of alcohol (Note: Conditions 4, 5, and 7 relate to on-sales only)

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

1. No supply of alcohol may be made at a time when there is no designated premises supervisor in respect of this licence.
2. No supply of alcohol may be made at a time when the designated premises supervisor does not hold a personal licence or the personal licence is suspended.
3. Every supply of alcohol under this licence must be made or authorised by a person who holds a personal licence.
4. (1) The responsible person must ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.
(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises
 - (a) games or other activities which require or encourage, or are designed to require or encourage, individuals to;
 - (i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or
 - (ii) drink as much alcohol as possible (whether within a time limit or otherwise);
 - (b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic in a manner which carries a significant risk of undermining a licensing objective;
 - (c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less in a manner which carries a significant risk of undermining a licensing objective;
 - (d) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner;
 - (e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).
5. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
6. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.

(2) The designated premises supervisor in relation to the premises licence must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

(3) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and either -

- (a) a holographic mark, or
- (b) an ultraviolet feature.

7. The responsible person must ensure that –

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures -

- (i) beer or cider: ½ pint;
- (ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and
- (iii) still wine in a glass: 125 ml;

(b) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

A responsible person in relation to a licensed premises means the holder of the premise licence in respect of the premises, the designated premises supervisor (if any) or any individual aged 18 or over who is authorised by either the licence holder or designated premises supervisor. For premises with a club premises certificate, any member or officer of the club present on the premises in a capacity that which enables him to prevent the supply of alcohol.

8 (i) A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

(ii) For the purposes of the condition set out in paragraph 8(i) above -

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979;

(b) "permitted price" is the price found by applying the formula -

$$P = D + (D \times V)$$

Where -

(i) P is the permitted price,

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence -

(i) the holder of the premises licence,

(ii) the designated premises supervisor (if any) in respect of such a licence, or

(iii) the personal licence holder who makes or authorises a supply of alcohol under such a licence;

(d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and

(e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.

(iii). Where the permitted price given by Paragraph 8(ii)(b) above would (apart from this paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.

(iv). (1) Sub-paragraph 8(iv)(2) below applies where the permitted price given by Paragraph 8(ii)(b) above on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Supply of alcohol under a Club Premises Certificate

The mandatory conditions 4 to 8 above will apply. If the club premises certificate authorises the supply of alcohol for consumption off the premises, the following three mandatory conditions must also be included:

1. The supply of alcohol for consumption off the premises must be made at a time when the premises are open for the purposes of supplying alcohol to members of the club for consumption on the premises.
2. Any alcohol supplied for consumption off the premises must be in a sealed container.
3. Any alcohol supplied for consumption off the premises must be made to a member of the club in person.

Supply of alcohol from community premises

The following mandatory condition will replace the first three mandatory conditions above when an application is made for a premises licence by the management committee of community premises and the licensing authority also grants an application for this alternative licence condition to be included in the licence:

1. Every supply of alcohol under the premises licence must be made or authorised by the [management committee / management board / board of trustees].

Mandatory condition when a premises licence or a club premises certificate authorises the exhibition of films

9. Admission of children to the premises must be restricted in accordance with the film classification recommended by the British Board of Film Classification or recommended by this licensing authority as appropriate.

Mandatory Condition relating to door supervision which only applies where a premises licence includes a condition that one or more individuals must be at the premises to carry out a security activity

10. All persons guarding premises against unauthorised access or occupation or against outbreaks of disorder or against damage (door supervisors) must be licensed by the Security Industry Authority.

Outlook Email

charlotte palmer



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✓ Sent Items

From

mansur.duzgun
mansur.duzgun@

Options

With attachments

Date

 All This week Last week This month Select range

From

Mon 13/11/2017

To

Mon 13/11/2017

Re: Ariya Cafe Bar, 112 High Street, ENFIELD, EN3 4ES [SEC=OFFICIAL]

MD

mansur.duzgun

Wed 17/08/2016, 15:39

Charlotte Palmer (Charlotte.Palmer@enfield.gov.uk) ✕

Dear Charlotte,

Thank you for your email.

Please be advised that under no circumstances has live music been played until the early hours. We actually have 24 hours at the premises which can confirm all activities that take place in the back garden and inside the premises, the live CCTV also records noise. Never the less I will investigate the matter.

Thank you for confirming the new conditions of my license, can I ask why and how these errors occurred. A licence is a legal document so it is concerning that so many errors and amendments have been made. Are there any further errors or amendments to be made?

Kind regards

Mr Duzgun

From: Charlotte Palmer <Charlotte.Palmer@enfield.gov.uk>
Sent: 17 August 2016 14:37
To: mansur [REDACTED]
Subject: Ariya Cafe Bar, 112 High Street, ENFIELD, EN3 4ES [SEC=OFFICIAL]

Classification: OFFICIAL
Dear Mr Duzgun,

I write to you as the current Premises Licence Holder and DPS of the above named premises.

Enfield Council's Licensing Enforcement Team have received a noise complaint about the premises from a local resident complainant alleges that they are disturbed by a loud music coming from the premises on an almost weekly basis. They claim that the music went on until 04:45 on Tuesday 9th August 2016. This is long after your licensed hours.

I wanted to bring this matter to your attention, so you can carry out your own investigation, and to remind you of the following conditions which are attached to the premises licence:

7. The management shall make subjective assessments of noise levels outside at the perimeter of the premises at least hourly, whilst recorded music is provided to ensure that noise from the premises does not cause a disturbance to local residents. Records shall be kept of the times, dates and any issues discovered. These records shall be kept for six months. Records made available to an authorised officer of the Council or police, upon request. 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.

8. All external doors and windows to be kept closed but not locked whilst music is provided.

I have noticed that there was an error when your premises licence was issued as the second page of conditions by the Licensing Authority and agreed by you were not included on the licence. The licence has therefore been issued with the full list of agreed conditions attached to it, all of which must be complied with.

The additional conditions are:

14. Children shall only be permitted to enter and remain on the premises if accompanied by an adult.

15. A personal licence holder shall be on the premises when licensable activities are taking place.

16. Music shall not be provided in the outside seating area.

17. There shall be no more than 30 people in the rear garden area from opening time until 21:00 and no more than 10 people permitted in the rear garden area between 21:00 and 22:00.

18. The rear garden area shall not be used after 22:00 except for the purpose of smoking. A small designated smoking area shall be cordoned off in the rear garden area for the purpose of smoking from 22:00 until closing with no more than 10 people permitted to use the smoking area from this time.

19. Drinks shall not be permitted in the rear garden after 22:00.

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LICENSING SUB-COMMITTEE - 29.11.2017**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)**372****WELCOME AND APOLOGIES FOR ABSENCE**

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

373**DECLARATION OF INTERESTS**

NOTED there were no declarations of interest.

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

LICENSING SUB-COMMITTEE - 29.11.2017

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 harmThe 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'.

LICENSING SUB-COMMITTEE - 29.11.2017

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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.