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LICENSING SUB-COMMITTEE

Wednesday, 19 March 2014 at 10.00 am
Conference Room, Civic Centre, Silver
Street, Enfield, EN1 3XA

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Councillors : Derek Levy (Chair), Toby Simon and Glynis Vince

AGENDA – PART 1

1. WELCOME AND APOLOGIES

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. GAZAN RESTAURANT, 170-172 HIGH STREET, PONDER'S END, EN3 (REPORT NO.227) (Pages 1 - 66)

Applications to (1) vary the designated premises supervisor and (2) vary the premises licence.

4. MINUTES OF PREVIOUS MEETING HELD ON 19 FEBRUARY 2014 (Pages 67 - 84)

To receive and agree the minutes of the meeting held on Wednesday 19 February 2014.

5. 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 2013/14 REPORT NO.

COMMITTEE :
Licensing Sub-Committee
19 March 2014

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

| Agenda - Part | Item |
|---|------|
| <p>SUBJECT : Applications to (1) vary the designated premises supervisor and (2) vary the premises licence</p> <p>PREMISES : Gazan Restaurant 170-172 High Street, Ponders End EN3</p> <p>WARD : Ponders End</p> | |

1 LICENSING HISTORY & CURRENT POSITION :

Premises known as Letizia Cafe Bar –

- 1.1 On 1 July 2008 an application by Letizia Cafe Bar Restaurant Ltd for a new Premises Licence, which was not subject to any representations, was granted by officers in accordance with delegated powers.
- 1.2 On 11 March 2009 an application by a local resident to review the Premises Licence, which was supported by representations from the Trading Standards Service and from 3 local residents, was granted by the Licensing Sub-Committee. The Chairman made the following statement : "We have carefully considered all the evidence that we have read and heard today. We note the offers made by the applicant to install soundproofing and to comply with all the existing conditions and those now sought. We find that the record to date showing many breaches of the existing conditions, ignorance of those conditions and even trading without the benefit of a licence substantiate the lack of confidence in the ability and willingness of the management to comply with whatever conditions might be imposed as expressed by Trading Standards. To promote the statutory licensing objectives we agree to revoke the licence for regulated entertainment that is for plays, live music, recorded music and the performance of dance."
- 1.3 Also on 11 March 2009 an application by Letizia Cafe Bar Restaurant Ltd to vary the Premises Licence (so as to extend operating hours), which was subject to representations from the Trading Standards Service and from 8 local residents, was refused by the Licensing Sub-Committee. The Chairman made the following statement : "We have carefully considered all the evidence before us today and noted the changes to the application resulting from our earlier decision and the change made by the applicant to the requested opening hours and those for the sale of alcohol. We find Trading Standards to have shown that the applicant is unable to demonstrate his ability to manage properly this business as shown by there having been no significant period without a complaint having been received. They believe that in order to promote the statutory licensing objective no increase to the licensing hours should be granted. We concur with that view and the application is therefore refused. That being so we make no changes or additions to the conditions imposed earlier today. The Letizia Cafe Bar may continue to

operate only as a restaurant without any entertainment and with the sale of alcohol ceasing at 11pm.”

Premises known as Nasreddin Hoca Sofrasi –

- 1.4 On 6 August 2010 an application by Mr Dervis Ceren for transfer of the Premises Licence, which was not subject to a representation from the Metropolitan Police Service, was granted by officers in accordance with delegated powers.
- 1.5 On 1 August 2012 an application by Mr Dervis Ceren to vary the Premises Licence (so as to extend operating hours), which was subject to representations from 12 local residents, was granted by the Licensing Sub-Committee. The Chairman made the following statement : “The Licensing Sub-Committee having considered all the written evidence contained in the bundle of papers and heard what oral representations were made at the hearing, the Licensing Sub-Committee resolved to grant the application to vary in full. We were mindful of the fact that the hours sought had been considerably reduced between the time of the application and the date of the hearing. And we were suitably persuaded that the additional conditions agreed between the applicant and the Responsible Authorities were sufficiently strong to promote the licensing objectives. The agreement of reduced hours meant that the application did fall within the Core Hours of the Council's cumulative impact policy, such that representations against the application needed to carry sufficient weight for the Licensing Sub-Committee to consider deviating from this policy. On balance, we felt that the views of local residents as related to matters specific to the remit of this Sub-Committee were not strong enough to persuade it to reject this application to vary the Premises Licence. Had the hours as originally sought not been agreed, and had there not been strong conditions agreed similarly, then there might have been greater weight given to these objections. However, as one of the residents himself mentioned, the process of reviewing a licence is always available to residents (and under the Licensing Authority and Metropolitan Police) if they feel there is a need to have the licence reviewed; if there are specific complaints or if licence conditions are being breached.”

Premises known as Gazan Restaurant –

- 1.6 On 5 August 2013 an application by Mr Dervis Ceren to specify **Mr Yusuf Karpuz** as designated premises supervisor was withdrawn by the applicant. The designated premises supervisor specified on the licence remains Mr Riza Demirtas, who has been the designated premises supervisor since 28 July 2010.
- 1.7 Also on 5 August 2013 an application by **Mr Yusuf Karpuz** for transfer of the Premises Licence, which was not subject to a representation from the Metropolitan Police Service, was granted by officers in accordance with delegated powers.
- 1.8 On 8 August 2013 **Mr Yusuf Karpuz** gave late notice to the Council in respect of a proposed event at the premises from 00:01 on Saturday 17th August to 02:30 on Monday 19th August 2013. The Environmental Health Authority gave an Objection Notice to the proposed event and the Council gave a Counter Notice to stop the event.
- 1.9 Also on 8 August 2013 **Mr Yusuf Karpuz** gave notice to the Council in respect of a proposed event at the premises from 00:01 on Saturday 24th August to 02:30 on

Monday 26th August 2013. The Environmental Health Authority gave an Objection Notice to the proposed event. On 21 August 2013 the Licensing Sub-Committee gave a Counter Notice to stop the event. The Chairman made the following statement : "Having considered all the oral and written representations, the Licensing Sub-Committee considers it appropriate for the effective promotion of the licensing objectives, to reject the TEN application, and therefore appropriate to issue Mr Karpuz with a counter notice for the event at Gazan Restaurant. The Sub-Committee felt that the representative for Environmental Health Responsible Authority made the case for objection in full; and demonstrated to our satisfaction that the applicant does not inspire sufficient confidence to be able to promote the licensing objectives by way of the extended hours provision sought through the TEN application. Whilst we acknowledge that the applicant, in the short time he has been owner of this business, has started to take steps to strengthen the operation of the licence, by improvements in the training regime and record keeping, and responding to other advice recently issued, we were nevertheless strongly persuaded by the verbal submission from Mr Elliott, Environmental Health Officer. As he made clear to the panel, implementation of enhanced and compliant extraction systems, re-identified by a site visit on 14 August 2013 in respect of smoke and odour, and subsequently by the serving of a Section 80 Notice on the 18 August 2013, could not possibly be installed by the time and dates sought through the current TEN application. This alone carries sufficient weight to persuade us that the proposed event would undermine the licensing objectives – specifically Prevention of Public Nuisance – and should not take place."

- 1.10 On 21 August 2013 **Mr Yusuf Karpuz** gave notice to the Council in respect of a proposed event at the premises from 00:01 on Saturday 7th September to 02:30 on Friday 13th September 2013. The Metropolitan Police Service and the Environmental Health Authority gave Objection Notices to the proposed event. The matter was scheduled to be considered by the Licensing Sub-Committee on 4 September 2013 however Mr Karpuz withdrew the notice on 3 September 2013 and the event was stopped.
- 1.11 On 20 November 2013 an application by **Mr Yusuf Karpuz** to vary the Premises Licence (so as to extend operating hours), which was subject to representations from the Metropolitan Police Service, the Licensing Authority and 13 local residents, was rejected by the Licensing Sub-Committee. The Chairman made the following statement : "The Licensing Sub-Committee (LSC), having considered all the written and oral submissions presented to us, has resolved that it is appropriate for the promotion of the licensing objectives, to reject the application. The panel was not persuaded that the applicant had demonstrated an understanding either of the policy, or how it impacted on their application. We were told by the representative for the applicant that the Cumulative Impact Policy is only about alcohol related crime and disorder. The panel was further told, at the very outset of its submission, that the case for the applicant relied on the fact that Gazan is a restaurant and not a takeaway establishment – citing 9.25 of the Council's Licensing Policy and therefore that the application should be considered as an exception to the CIP. However, under questioning, it was made apparent that the premises does offer and is seeking extended hours for takeaway food as well as for sit-down meals. The LSC was asked to consider that no incidents of crime and disorder were found or reported during the tenure of Mr Karpuz as Premises Licence Holder. And yet, despite much advice and guidance issued during numerous officer visits to Gazan, the applicant and representative (who had been advised similarly) had failed to properly address or deliver appropriately

with regard to the plan of premises on the licence not reflecting the current physical layout and use of the restaurant. We were expressly told by the Principal Licensing Officer in response to a question from the Chairman, that this in itself is a criminal offence, by which no licensable activities should or could be carried out currently, even within the existing hours on the licence. Additionally, within the submissions we heard, the applicant failed to address any of the issues of public nuisance, raised particularly by the interested parties, or indeed public safety upon which the Borough fire officer had raised concern. The panel felt it must give weight to these concerns. The LSC was not satisfied that the premises have been or are being properly and efficiently managed, there having been repetitive alleged breach of conditions even since the application to vary was first made – some alleged breaches even as late as the Saturday preceding the hearing. We were seriously concerned by the evidence as to the function of Designated Premises Supervisor (DPS) being exercised in accordance with the statutory guidance (Section 182), and that the submissions from the applicant and answers to Members' questions ran counter to the detailed evidence from the licensing authority that the DPS had not been present on at least nine of visits made to the premises, noting that such visits were normally made during the busiest operating hours of the restaurant, when a DPS would normally be expected to be present and in control of the premises. Guidance suggests that one of the key roles of a DPS is to provide an essential point of contact for police, fire officers, or licensing authority officers; so that problems can be dealt with swiftly. This had not been the case with Gazan; further, on several occasions, Mr Karpuz himself only made himself available when called to the premises by other managers. The Licensing Authority and Metropolitan Police Service both revealed lack of confidence in the owner and staff, something which the LSC shared as a result of the answers to its own questions at the hearing. Although some measures had been taken to mitigate the impact of the restaurant on the immediate vicinity, this had taken far longer than appropriate, and the Licensing Authority seems to have endured lack of co-operation from the Premises Licence Holder, who failed to adhere to regular advice being offered to support effective operation of the licence. According to the Council's CIP, the LSC needs to be persuaded that the applicant can demonstrate no negative cumulative impact on any of the licensing objectives. In fact, the LSC has concerns about these four objectives being actively promoted at present; so it is not satisfied that sufficient additional steps are being made to justify extending hours in the Edmonton Cumulative Impact Policy (CIP) zone. Therefore, given insufficient evidence that the application should be treated as an exception to the CIP, or confidence in the management to properly promote the licensing objectives in extended hours, the LSC has determined that rejecting the application is appropriate."

- 1.12 The current Premises Licence permits :
- 1.12.1 **Hours the premises are open to the public** : Sunday to Saturday from 08:00 to 00:00 (midnight).
- 1.12.2 **Supply of alcohol (on supplies only)** : Sunday to Saturday from 11:00 to 00:00 (midnight).
- 1.12.3 **Late night refreshment** : Sunday to Saturday from 23:00 to 00:00 (midnight).
- 1.13 A copy of a location map of the premises is attached as Annex 01.
- 1.14 A copy of the current Premises Licence is attached as Annex 02.

2 **THESE APPLICATIONS :**

Vary the designated premises supervisor –

- 2.1 Since 28 July 2010 the individual specified on the Premises Licence as designated premises supervisor has been Mr Riza Demirtas. On 7 January 2014 application was made by **Mr Yusuf Karpuz** to vary the Premises Licence to specify himself as designated premises supervisor.
- 2.2 Notice of the application was given to the Metropolitan Police Service.
- 2.3 A copy of the application is attached as Annex 03.

Vary the premises licence –

- 2.4 Also on 7 January 2014 application was made by **Mr Yusuf Karpuz** to vary the Premises Licence. The application seeks :
 - 2.4.1 A new plan of the premises.
 - 2.4.2 **Hours the premises are open to the public** : Sunday to Saturday from 08:00 to 02:15 the following day.
 - 2.4.3 **Supply of alcohol (on supplies only)** : no change.
 - 2.4.4 **Late night refreshment** : Sunday to Saturday from 23:00 to 02:00 the following day.
- 2.5 The application was advertised in accordance with the requirements of the Licensing Act 2003.
- 2.6 Each of the Responsible Authorities were consulted in respect of the application.
- 2.7 A copy of the application is attached as Annex 04.

3 **RELEVANT REPRESENTATIONS :**

Vary the designated premises supervisor –

3.1 **Metropolitan Police** : The responsible authority is satisfied that the exceptional circumstances of the case are such that granting the application would undermine the crime prevention objective.

3.1.1 A copy of the notice is attached as Annex 05.

Vary the premises licence –

3.2 **Metropolitan Police** : Representation is made on the grounds of the prevention of crime & disorder. The responsible authority considers that it is appropriate, for the promotion of the licensing objectives, to vary the plan (at Annex 4 to the licence) and to vary the conditions (at Annexes 1 to 3 of the licence). The authority further considers that it is appropriate, for the promotion of the licensing objectives, to reject any increase in the existing licensed hours.

3.2.1 A copy of the representation is attached as Annex 06.

3.3 **Licensing Authority (including Licensing Enforcement, Environmental Health, Trading Standards, Planning, Health & Safety and Children's Services)** : Representation is made on the grounds of the prevention of crime & disorder and the prevention of public nuisance. The responsible authority considers that it is appropriate, for the promotion of the licensing objectives, to vary the plan (at Annex 4 to the licence) and to vary the conditions (at Annexes 1 to 3 of the licence). The authority further considers that it is appropriate, for the promotion of the licensing objectives, to reject any increase in the existing licensed hours.

3.3.1 A copy of the representation is attached as Annex 07.

4 **PROPOSED LICENCE CONDITIONS :**

4.1 The conditions arising from the application to vary the premises licence are attached as Annex 08.

5 **RELEVANT LAW, GUIDANCE & POLICIES :**

- 5.1 The paragraphs below are extracted from either :
 - 5.1.1 the Licensing Act 2003 ('Act'); or
 - 5.1.2 the Guidance issued by the Secretary of State to the Home Office of October 2012 ('Guid'); or
 - 5.1.3 the London Borough of Enfield's Licensing Policy Statement of April 2012 ('Pol').

General Principles :

- 5.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4(1)].
- 5.3 The licensing objectives are :
 - 5.3.1 the prevention of crime and disorder;
 - 5.3.2 public safety;
 - 5.3.3 the prevention of public nuisance; &
 - 5.3.4 the protection of children from harm [Act s.4(2)].
- 5.4 In carrying out its functions, the Sub-Committee must also have regard to :
 - 5.4.1 the Council's licensing policy statement; &
 - 5.4.2 guidance issued by the Secretary of State [Act s.4(3)].

Vary the designated premises supervisor –

Decision :

- 5.5 The Sub-Committee must, having regard to the Police notice, reject the application if it considers it appropriate for the promotion of the crime prevention objective to do so [Act s.39].

Vary the premises licence –

Cumulative Impact Policy :

- 5.6 The applicant premises/club premises is located in the Edmonton Cumulative Impact Policy Area [Pol s.9.21/22].
- 5.7 The application is for a full variation of a premises licence [Pol s.9.21/22].
- 5.8 The application is subject to a relevant representation [Pol s.9.21/22].
- 5.9 Therefore the Cumulative Impact Policy applies to this application [Pol s.9.21/22].
- 5.10 The Core Hours for this application are :
- 5.10.1 Late night refreshment : Monday to Sunday Indoors and/or outdoors none [Pol s.9.23.7].

- 5.11 The Council's policy is that this application (which is outside the Core Hours set out above) is subject to the presumption against grant that is implicit in a cumulative impact policy [Pol s.9.22].**
- 5.12 Where the cumulative impact policy applies to an application, applicants are expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy [Guid 8.36].**

Hours :

- 5.13 The Sub-Committee decides licensed opening hours as part of the implementation of the licensing policy statement and is best placed to make decisions about appropriate opening hours in their area based on their local knowledge and in consultation with responsible authorities [Guid 10.11].
- 5.14 The impact upon the licensing objectives from people gathering at takeaways, particularly after other licensed premises have closed, can be considerable. In determining licensing hours, regard will therefore be had to the density and closing times of licensed premises in the vicinity [Pol s.8.8.2].

Conditions :

- 5.15 In completing an operating schedule, applicants are expected to have regard to the statement of licensing policy for their area. They must also be aware of the expectations of the licensing authority and the responsible authorities as to the steps that are appropriate for the promotion of the licensing objectives, and to demonstrate knowledge of their local area when describing the steps they propose to take to promote the licensing objectives [Guid 8.34].
- 5.16 Applicants are expected to provide licensing authorities with sufficient information to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on

providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises [Guid 8.40].

- 5.17 Conditions attached to licences and certificates must be tailored to the individual type, location and characteristics of the premises and events concerned. Standardized conditions should be avoided and indeed may be unlawful where they cannot be shown to be appropriate for the promotion of the licensing objectives [Guid 1.17.
- 5.18 The Council will give consideration to setting capacity limits for licensed premises where it may be necessary for public safety or otherwise to prevent over-crowding. Where applicable, further consideration will be given to whether door supervisors would also be needed to ensure that the numbers are appropriately controlled [Pol s.13.4].

Decision :

- 5.19 In determining the application with a view to promoting the licensing objectives in the overall interests of the local community, the Sub-Committee must give appropriate weight to:
 - 5.19.1 the steps that are appropriate to promote the licensing objectives;
 - 5.19.2 the representations (including supporting information) presented by all the parties;
 - 5.19.3 the guidance; and
 - 5.19.4 its own statement of licensing policy [Guid 9.34].
- 5.20 Having heard all of the representations (from all parties) the Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are :
 - 5.20.1 to grant the application subject to the mandatory conditions and such conditions as it considers necessary for the promotion of the licensing objectives;
 - 5.20.2 to exclude from the scope of the licence any of the licensable activities to which the application relates;
 - 5.20.3 to refuse to specify a person in the licence as the premises supervisor;
 - 5.20.4 to reject the application [Act s.18].

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

Contact Officer :
Mark Galvayne on 020 8379 4743



Gazan Restaurant, 170-172 High Street, ENFIELD, EN3 4EU

LONDON BOROUGH OF ENFIELD
 CIVIC CENTRE, SILVER STREET
 ENFIELD, EN1 3XE
 TEL: 020 8379 1000



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Date: 25/02/2014



Licensing Act 2003

PART A – PREMISES LICENCE

Granted by the London Borough of Enfield as Licensing Authority

Premises Licence Number :

Part 1 – Premises Details

Postal address of premises :

Premises name :

Telephone number :

Address :

Where the licence is time-limited, the dates :

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 : | 08:00 - 00:00 |
| Monday : | 08:00 - 00:00 |
| Tuesday : | 08:00 - 00:00 |
| Wednesday : | 08:00 - 00:00 |
| Thursday : | 08:00 - 00:00 |
| Friday : | 08:00 - 00:00 |
| Saturday : | 08:00 - 00:00 |

(2) **Supply of Alcohol - On supplies**

| | |
|-------------|---------------|
| 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 |

(3) **Late Night Refreshment - Indoors**

| | |
|-------------|---------------|
| 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 Yusuf Karpuz

Telephone number : Not provided

e-mail : Not provided

Address : Mr Yusuf Karpuz, 118 Meadgate Avenue, Chelmsford, Essex, CM2 7LH

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 Riza Demirtas

Telephone number : 07786 638610

e-mail : Not provided

Address : Flat 6, 238 Green Lanes, LONDON, N13 5TU

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/00002490

Issuing Authority : London Borough of Haringey

Premises Licence LN/200800342 was first granted on 1 July 2008.

Signed : 

Date : 5th August 2013

**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. 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.**
- 5. The premises boundary shall be clearly identifiable so that customers know where the premises ends and the drinking control area starts.**
- 6. Any children on the premises after 19:30 shall be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult.**
- 7. Children under the age of 14 shall not be permitted on the premises after 21:00.**
- 8. Children under the age of 18 shall not be permitted on the premises after 23:00.**
- 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) may be accepted.**
- 10. Alcohol shall not be supplied other than as ancillary to a substantial table meal.**
- 11. 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.**
- 12. The outside seating area shall not be used after 23:00.**
- 13. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the terms and conditions of this licence.**

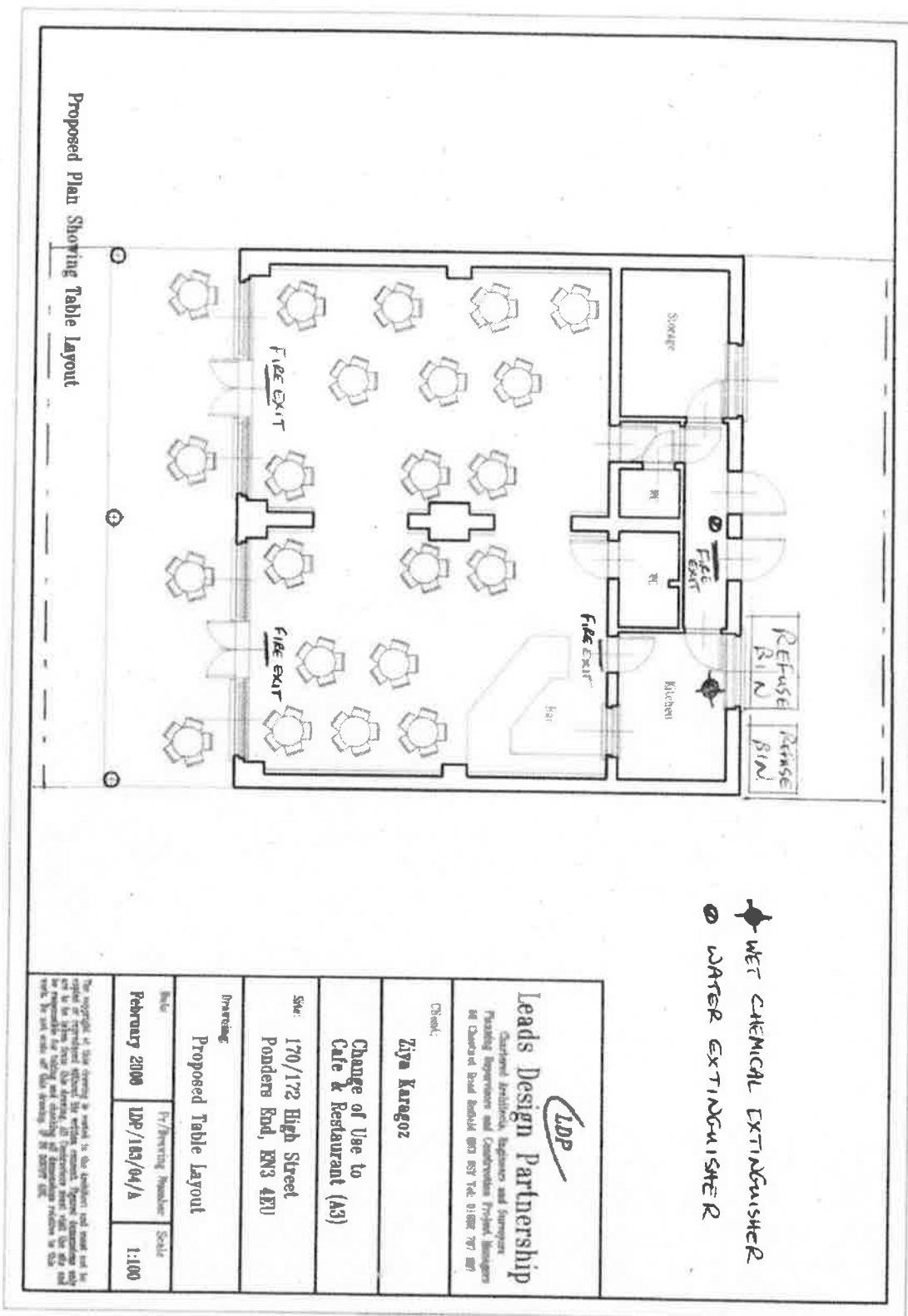
14. All training shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request.

15. 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.

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

Not applicable

Annex 4 – Plans



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 Mr Yusuf Karpuz

(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/200800342

Part 1 – Premises details

Postal address of premises or, if none, ordnance survey map reference or description

170-172 High Street, Ponders End, Enfield

Post town
London

Post code (if known)
EN3 4EU

Telephone number (if any)
0208 805 3777

Description of premises (please read guidance note 1)

Restaurant

LONDON BOROUGH OF ENFIELD
RECEIVED

- 7 JAN 2014

ENVIRONMENT &
STREET SCENE

Part 2

Full name of proposed designated premises supervisor
Mr Yusuf Karpuz

Personal licence number of proposed designated premises supervisor and issuing authority of that licence (if any)
LN/201000272

Full name of existing designated premises supervisor (if any)
Mr Riza Demirtas

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
Following the previous application to vary the licence, the licence document has not been return by the local authority.

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 will give a copy of this form to the existing premises supervisor, if any
- 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 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

.....

Capacity Authorised Agent

.....

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

.....

| | |
|---|-------------------------------------|
| <p>Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)</p> <p>FSL Business Consultants 20 Adamson Road,</p> | |
| <p>Post town London</p> | <p>Post Code NW3 3HR</p> |
| <p>Telephone number (if any)</p> | |
| <p>If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing@fslconsultants.com</p> | |

Guidance notes

1. Describe the premises. For example the type of premises it is.
2. The application form must be signed.
3. An applicant’s agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
4. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
5. This is the address which we shall use to correspond with you about this application.

Consent of individual to being specified as premises supervisor

Mr Yusuf Karpuz

[full name of prospective premises supervisor]

of 118 meadgate Avenue
Chemsford
Essex CM2 7LH

[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 DPS

[type of application]

by

Mr Yusuf Karpuz

[name of applicant]

relating to a premises licence

LN/200800342

[number of existing licence, if any]

for

170-172 High Street, Ponders End, Enfield, London EN3 4EU

[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 Yusuf Karpuz

[name of applicant]

concerning the supply of alcohol at

170-172 High Street, Ponders End, Enfield, London EN3 4EU

[name and address of premises to which application relates]

I also confirm that I am applying for, intend to apply for or currently hold a personal licence, details of which I set out below.

Personal licence number

LN/201000272

[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)

YUSUF KARPUZ

Date

05-01-2014

Application to vary a premises licence 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 Mr Yusuf Karpuz

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number
 LN/200800342

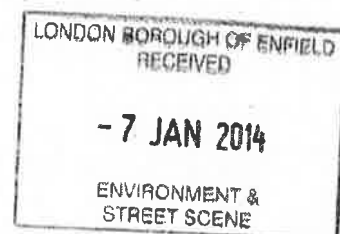
Part 1 – Premises Details

| | | |
|---|--------|------------------|
| Postal address of premises or, if none, ordnance survey map reference or description 170-172 High Street, Ponders End | | |
| Post town | London | Post code |
| | | EN3 4EU |
| Telephone number at premises (if any) | | |
| Non-domestic rateable value of premises | | £18250 |

Part 2 – Applicant details

| | |
|--|-----------------|
| Daytime contact telephone number | |
| E-mail address (optional) | |
| Current postal address if different from premises address | |
| Post Town | Postcode |
| | |

1



Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

| Day | Month | Year |
|-----|-------|------|
| | | |

Please describe briefly the nature of the proposed variation (Please see guidance note 1)
Extending the hours of operation: Opening to the Public & Late Night Refreshment:

Change to the layout of the premises - Please see attached plans.

Proposed: Late Night Refreshment
Mon -Sun 23:00 - 02:00

Proposed: Open to the Public
Mon - Sun - Until 02:15

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

Please tick yes

Provision of regulated entertainment

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

Provision of entertainment facilities:

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

Provision of late night refreshment (if ticking yes, fill in box L)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

L

| Late night refreshment Standard days and timings (please read guidance note 6) | | | Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2) |
|---|-------|--------|---|
| Day | Start | Finish | |
| Mon | 23:00 | 02:00 | Indoors <input type="checkbox"/> |
| Tue | 23:00 | 02:00 | Outdoors <input type="checkbox"/> |
| Wed | 23:00 | 02:00 | Both <input checked="" type="checkbox"/> |
| Thur | 23:00 | 02:00 | |
| Fri | 23:00 | 02:00 | |
| Sat | 23:00 | 02:00 | |
| Sun | 23:00 | 02:00 | |

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of late night refreshment (please read guidance note 4)

Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)

O

| Hours premises are open to the public Standard days and timings (please read guidance note 6) | | | State any seasonal variations (please read guidance note 4) |
|--|-------|--------|---|
| Day | Start | Finish | |
| Mon | 08:00 | 02:15 | |
| Tue | 08:00 | 02:15 | |
| Wed | 08:00 | 02:15 | |
| Thur | 08:00 | 02:15 | |
| Fri | 08:00 | 02:15 | |
| Sat | 08:00 | 02:15 | |
| Sun | 09:00 | 02:15 | |
| | | | |

Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

N/A

Please tick yes

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of premises licence
Awaiting the current licence to be issued by the Licensing Authority following transfer & vary
DPS applications.

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

a) General – all four licensing objectives (b,c,d,e) (please read guidance note 9)

The standard practices listed below will be maintained at all times. All reasonable steps will be taken to ensure that the premises will have a positive impact upon the local environment and its residents at all times.
The company will regularly provide appropriate training to their employees in connection with the sale/supply of alcohol including remedial retraining where required.
Appropriate staff will be properly trained on action to be taken when the fire alarm is activated.

b) The prevention of crime and disorder

All incidents will be recorded in an incident logbook kept at the premises. Additionally, any incidents of crime and disorder will be reported to the Police. CCTV to be maintained and correctly operated. Tapes will be kept for 31 days.

Appropriate staff will be properly trained on action to be taken when the fire alarm is activated

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers (foam, H₂O and CO₂), fire blanket, internally illuminated fire exits signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually.

All emergency exits shall be kept free from obstruction at all times. All building work, and the operation of the premises will be carried out in accordance with appropriate legislation..

d) The prevention of public nuisance

The company will endeavour to reduce any effects of light/sound pollution from the premises. Customers will be discouraged from congregating outside the premises.
Trade waste agreement to be maintained. Notices will be displayed at exits asking patrons to disperse quietly and respect neighbours.

Customers leaving the premise will comply with the company's dispersal policy.

e) The protection of children from harm

All refusals are to be entered into a refusals book, which is to be made available to the Police or Council staff upon request.
The licensee & all employees shall request accredited proof of age cards for example, the Connexions card and Citizen Card, new type of driving licences with photographs, a passport, an official identity card issued by HM Forces or by an EU country, bearing the photography and date of birth of bearer.
A sign reminding customers that alcohol cannot be served to persons under the age of 18 shall be displayed on the premises.

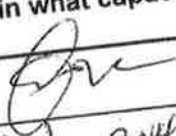
Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- 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, 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 5 – Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) or applicant's solicitor or other duly authorised agent (please read guidance note 11). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature |  |
| Date | 5 th Jan 2014 |
| Capacity | Authorised Agent |

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 2nd applicant's solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant please state in what capacity.

| | |
|-----------|--|
| Signature | |
| Date | |
| Capacity | |

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 13)
 FSL Business Consultants
 20 Adamson Road

| | | | |
|--|--------|-----------|---------|
| Post town | London | Post code | NW3 3HR |
| Telephone number (if any) | | | |
| If you would prefer us to correspond with you by e-mail your e-mail address (optional) licensing@fslconsultants.com | | | |

**METROPOLITAN
POLICE****Working together for a safer London****POLICE OBJECTION NOTICE**

**WK/213080895 – Mr Yusuf Karpuz
Gazan Restaurant
395 Fore Street
Edmonton
N9 0NR**

Application to vary a Designated Premises Supervisor (DPS) - Section 37
Licensing Act 2003.

I wish to make representations regarding the above application to vary a DPS
made by Mr Yusuf Karpuz of 118 Meadgate Avenue, Chelmsford, Essex. CM2
7LH made on 7th January 2014.

Mr Yusuf karpuz holds a personal licence, LN/201000272, issued by Enfield
borough licensing authority on 15th July 2010

Mr Karpuz has been convicted for carrying on licensable activity on/from
premises other than in accordance with an authorisation on 9th July 2010 and
7th August 2010.

Mr karpuz was fined £2000 pounds on each offence at North London
Magistrates Court on 9th February 2012 along with costs of £4270.68.

Both prosecutions were sought by LBE licensing, for trading after hours by way
of providing late night refreshment at Capital Restaurant, 395 Fore Street,
Edmonton, N9 0NR where Mr Karpuz was the premises licence holder at the
time of the offences. Mr Karpuz was also responsible for making some of the
after-hours sales at the time of these offences.

I have reservations as to the capability of Mr karpuz to act as designated
premises supervisor for Gazan restaurant, 170-172 High Street, Ponders End,
EN3 4EU given the relevance of his previous convictions as outlined above.

I do not feel that he is fit and proper person to make judgements in the sale and
supply of alcohol at this time.

I therefore wish to object to this application under the prevention of crime &
disorder licensing objective as Mr Karpuz has convictions for relevant licensing
offences.

Regards,

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 10th January 2014



**METROPOLITAN
POLICE**

Working together for a safer London

POLICE REPRESENTATION

Name and address of premises: **Gazan Restaurant
170 – 172 High Street
Ponders End
Enfield
EN3 4EU**

Type of Application: **New Premises**

Worksheet number: **WK/213080911**

The Application

This is an application to vary an existing premises licence to extend the hours of operation for late night refreshment as follows;

| | Current Hours | Proposed Hours |
|------------------------------|-----------------------------------|--|
| Opening Hours | 08:00 to 00:00, Monday to Sunday | 08:00 to 02:15 the following day, Monday to Saturday and from 09:00 to 02:15 the following day on Sundays. |
| Supply of Alcohol | 11:00 to 00:00, Monday to Sunday | No change |
| Late Night Refreshment (LNR) | 23:00 to 00:00, Monday to Sunday. | 23:00 to 02:00 the following day, Monday - Sunday |

Location

This premise is within a row of shops in a busy High Street with residential flats above and in adjoining side streets.

Cumulative Impact Policy

London Borough of Enfield

Licensing Act 2003

Licensing Policy Statement (Fourth Edition 1 April 2012)

9.21 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those

authorisations for hours within the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will generally be granted, subject to consideration of any representations about the way in which the application will promote the licensing objectives.

- 9.22 Any applications for new premises licences and/or club premises certificates and/or provisional statements and any applications for variations of those authorisations for hours outside the limits set out (referred to as Core Hours) for premises and/or clubs inside the cumulative impact policy areas will, when subject to relevant representations, be subject to the presumption against grant that is implicit in a cumulative impact policy.

This premise is within Enfield Boroughs Cumulative Impact Policy area. Hours sort are outside the limits set out and as such, section 9.22 refers.

Where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

History

This application follows an earlier hearing to extend operating hours at these premises that was heard by the licensing sub-committee on 20th November 2014. The committee resolved that it is appropriate for the promotion of the licensing objectives, to reject the application.

In summary I wish to make representation on the following:

- Prevention of Crime & Disorder

As outlined in the Cumulative Impact Policy, this area is already of concern to both Police and Enfield Council in relation to crime & disorder and public nuisance. I am of the firm belief that if this premises were to be permitted to provide late night refreshment until 02:00 seven days a week in this location, it would very likely lead to increased incidents of crime & disorder and public nuisance.

Additionally an application has also been submitted to vary the DPS for this premise to a Mr Yusuf Karpuz. I have made objections to Mr karpuz taking over as DPS as I feel he is wholly unsuitable due to previous convictions for trading after hours at another restaurant.

I would also like to add that I would want to see how any new DPS ran a premise before considering any extension even if that premises was not in a CIP area.

I do not believe that there have been any significant fundamental changes in the operation of this restaurant since the last application to vary its licence was heard in November 2013.

I still maintain that the hours currently held as part of this licence are more than sufficient for purpose and do not need to be extended, and as such, I object to this application in its entirety.

However, if the licensing sub-committee were to grant this application in full or part, I suggest that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

CCTV

CCTV is an essential ingredient in deterring crime and gathering evidence if crime is committed. Although CCTV is discussed in the operating schedule, insufficient detail has been provided to ensure its quality and integrity. Police therefore request the following condition is applied to the premises licence to ensure quality performance.

DRINKING CONTROL AREA

Designated alcohol control zone:

The premise is in the Enfield Wash to Ponders End drinking control area. LB of Enfield's Licensing Policy, para 24.2 states *"in considering licence applications and reviews, the Council will have regard to the impact of licensed premises on the observance of the designated area controls. This is likely to be particularly relevant to sales of alcohol for consumption off premises and unauthorised removal of drinks that have been supplied for consumption on premises."* The application is for the supply of alcohol on the premises.

I have concerns regarding the observance of the designated alcohol control zone.

PLEASE REFER TO ANNEX 08

Officer: Martyn Fisher PC 357YE

Tel: 0208 379 6112

Martyn.Fisher@Enfield.Gov.uk

Date: 23rd January 2014



LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Name and address of premises: Gazan Restaurant
 170-172 High Street
 Enfield
 EN3 4EU

Type of Application: Variation of Premises Licence

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

Background History:

This premises is a restaurant and the application is to amended the plan, and to extend the licensed hours as follows:

| Activity | Current Hours | Applied for Hours |
|----------|---------------------------|-------------------------|
| Open | 08:00 – 00:00 Mon - Sun | 08:00 – 02:15 Mon - Sun |
| LNR | 23:00 – 00:00 – Mon - Sun | 23:00 – 02:00 Mon - Sun |

An application to extend the licensed hours was refused by the Licensing Sub Committee on 20th November 2013. This application was submitted just 7 weeks after that date.

Given the very short time span between that the previous application being refused and this application being made the reasons for the previous refusal are still relevant to this application. I therefore attached the previous representations, additional information and decision notices as **Appendix 1, 2 and 3** sequentially.

A vary DPS application has also been submitted. However, the person nominated – Mr Karpuz has relevant convictions and the Police Licensing Officer is objecting to that application. Until a vary DPS application is granted all reference to DPS concerns are still seen as relevant.

Until the up-to-date plans are formally attached to the licence the premises licence holder is still committing a licensing offence. I welcome the submission of up-to-date plans to the premises licence. However, the fact that it has taken 6 months of repeated advice and threat of prosecution to get to this stage is disappointing and leads to a lack of confidence in the premises licence holder to take action when needed.

History:

Detailed below is the history of the premises since the last application was refused:

11/12/13 – Licensing Enforcement Officers (EVG) sent a warning letter to the premises, DPS and PLH home addresses and to FSL consultants in relation to the inaccurate plans. A full variation application form was enclosed with the letter and a deadline of 18/12/13 was given to submit the application - **Appendix 4**.

13/12/13 – An email was received advising that Mr Karpuz had signed the relevant section of the application form and that the documents would be submitted shortly.

19/12/13 – Licensing Enforcement Officer phoned Mr Karpuz and left a voicemail advising that the application had not been received and the deadline given in the warning letter had expired. The officer also phoned the premises to discuss this matter. Mr Karpuz was not there and no manager was on duty. The officer spoke to Mr Cengiz Alagoz a member of staff. The officer explained the situation and left their contact number asking that Mr Karpuz phone them. An email was also sent to FSL Consultants chasing up the application. A voicemail was received from Mr Hassan who is apparently Mr Karpuz's cousin and works and at the restaurant.

20/12/13 – The Officer returned the call to Mr Ozcan Hassan and advised him that no variation application has been received despite the agent's last email. The officer asked when it would be submitted, and reminded him of the criminal offence of providing licensable activities whilst the premises licence plan is inaccurate. Mr Hassan stated that he would call the agent and get back to the officer as he thought the agent had done it.

03/01/14 – 22:55 - 22:55 As the correct application still had not been received Licensing Enforcement Officers (CT/AA) visited the premises to attempt a LNR test purchase to see if the licence was being used despite the plan being incorrect. There was a male and a female sitting at the front window table. A male was sweeping up outside. No regulated entertainment was seen. At 23:10 the sign was still flashing 'Open' and the lights were on inside. Meat could be seen turning on spits. At 23:13 one of the officers entered the premises. At 23:20 there were still people sitting at tables in the premises. A female entered the premises, spoke to the male behind the counter and ordered a kebab. She then left the premises and walked to the off-licence at the end of the same parade of shops. The officer was sold a portion of chips for £1.50. **Offence as plans inaccurate whilst providing LNR.** At 23:25 the officers re-entered the premises and spoke to Mr Karpuz and two males. The officers advised them that a sale of LNR had taken place which was an offence as they did not have a valid licence due to the plan being incorrect and that therefore they should be closed by 23:00 hours. One of the officers issued a Notice of Alleged Offence and left a signed copy with Mr Karpuz – **Appendix 5**. The officers explained that they had been there on a number of occasions and that licensing enforcement had spoken on the phone to them and had sent a letter warning and that the Council had still not received an application. A male with Mr Karpuz stated they had made the application and phoned their agent. The Officers spoke to Fabian (agent) three times while at the premises. He advised he had submitted a minor variation application on 20 November 2013 for a variation of the layout of the premises and had a receipt (24410) for the £89 paid. At the time of the visit the officers were unable to dispute Fabian's claims and stated that they would check the situation in the office on Monday. However, even if the correct application had been submitted they should not have been trading until it was actually granted. The officers advised that they would look into this matter on Monday but that they were not aware of an application being made. The officers left at 00:20.

06/01/14 - A Licensing Officer (AA) checked in the office for the application form and receipt Fabian had referred to. Mark Galvayne (MFG), Principle Licensing Officer had a Minor Variation application form and fee of £80 (Rec No 24410) and advised that he had been emailing Fabian of FSL Consultants before and since receiving the application and fee stating clearly that a full variation application was required rather than a minor as applied for. 13:45 Fabian rang the Licensing Team and advised that he would attend the council officers with a full variation application, fee and plan later that day. The officers told him about all the emails MFG had sent him and that his lack of response was the reason that the premises had received so many visits.

07/01/14 - Variation application received to change the plan layout of the premises and also to extend the hours for LNR. A Vary DPS application was also submitted to change DPS details to the owner/PLH Mr Yusuf Karpuz.

08/01/14 – Officers checked notice re application on display – it was.

29/01/14 – 11:10 – 11:35 - Licensing Enforcement Officer (CPX) and PC Fisher visited the premises and carried out a full licence inspection as a result of pending licence application. Condition 14 - Training records. These were available but the person who carried out the inspection with the officers was not named in the book - Mr Memet Nuri. When this was pointed out he claimed to be the owner's nephew and that he did not work there he was just helping out. However, this contradicts the officer notes from 8th and 12th November 2013 when Mr Nuri introduced himself as the Manager. The Officers saw this male at the premises when they checked the application notice was displayed and also recognised him from working at Capital Restaurant, 395 Fore Street when Mr Karpuz ran that premises. One waitress pointed out her name in the book but the other waitress was not in the book. Staff claimed that she had started the day before. CPX advised that they must ensure all staff are trained as soon as they start working at the premise and that all training must be recorded in the book. Date of next training noted in book is 16/02/14. Inspection Report issued – **Appendix 6**.

Planning Information:

Gazan still only has planning permission to be open for business between the hours of 08:00 and 24:00 each day; with all activity associated with the use shall cease within 1 hour of the closing time. Planning conditions state that no external speakers are to be placed on the external decking area; the decking area shall not to be used after 2300 hours; and seating on the external area should not be for more than 16 persons.

Previous Enforcement Action

As detailed in the previous representations the owner's connection with other premises in the borough which have had enforcement action taken against and his own previous relevant convictions leads to a lack of confidence in how this premises will be run.

Cumulative Impact Policy (CIP)

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP states the core hours that should not be exceeded. This application is to exceed the LNR hours. The times for LNR stated in the CIP are:

Late night refreshment: Mon - Sun 23:00 – 24:00 Indoors only

The hours applied for in this variation application exceed those specified in the CIP.

Paragraph 9.22 of the LBE Licensing Policy states that where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

Just like the application refused in November 2013, the applicant has not submitted any evidence with this application suggesting why this premises should be treated as an exception to the CIP.

Advice has been provided to the applicant and his agents about the CIP on numerous occasions.

Conclusion:

Even if the premises was not in a CIP I would still object to the extension of hours. I would wish to see the premises trading within the terms of the licence and fully compliant with the conditions and times and with a new DPS for a minimum of 6 months to one year before I had any confidence in the management of the premises.

However the premises is in a CIP and as stated in the previous representations this location is one where Enforcement Officers have already needed to carry out enforcement action in relation to people notice and anti-social behaviour outside licensed premises. This need for enforcement action demonstrates that the CIP is needed in this location.

Given the close proximity to local residents, the history of complaints, the unsatisfactory licensing compliance history, and in line with the Cumulative Impact Policy, the Licensing Authority deem it appropriate to object to any increase in the licensed hours, in order to promote the licensing objectives.

I do not object to the plans being amended to accurately reflect the layout of the premises.

If this application were granted in full or part, I would recommend that the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition to the proposed conditions in Annex 2 as indicated.

PLEASE REFER TO ANNEX 08

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

If these additional conditions were accepted I still WOULD NOT withdraw my objection to the extension of licensed hours.

Officer: Charlotte Palmer Tel: 0208 379 3965 / charlotte.plamer@enfield.gov.uk



Signature:

Date: 30/01/14



LICENSING AUTHORITY REPRESENTATION

This representation is made by Enfield's Licensing Enforcement Team and is made in consultation with and on behalf of the Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority and the Child Protection Board.

I confirm I am authorised to speak at any hearing on behalf of the Licensing authority, Trading Standards Service (inspectors of Weights & Measures), Planning authority, Health & Safety authority, Environmental Health authority, and Child Protection Board).

Name and address of premises: Gazan Restaurant
170-172 High Street
Enfield
EN3 4EU

Type of Application: Variation of Premises Licence

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

Background History:

This premises is a restaurant and the application is to extend the licensed hours as follows:

| Activity | Former Hours | Applied for Hours |
|--------------------|---------------------------|--|
| Open | 08:00 – 00:00 Mon - Sun | 08:00 – 02:45 Mon - Sun |
| Alcohol (on sales) | 11:00 – 00:00 Mon - Sun | No Change Sun – Wed 11:00 – 01:00 Thurs – Sat |
| LNR | 23:00 – 00:00 – Mon - Sun | 23:00 – 02:30 Mon - Sun |

On 31st July 2013, Mr Karpuz applied to transfer the licence into his name, which was granted on 5th August 2013. Mr karpuz also applied to vary the DPS position into his name on the same date, however, this was refused by the Police, in light of the relevant criminal history of Mr Karpuz (see below) on 5th August 2013.

Mr Riza Demirtas has been the named Designated Premises Supervisor (DPS) since 28/07/2010.

Mr Karpuz applied for both a late TEN and a standard TEN on 09/08/2013 for several dates in August until 2.30am latest. Both these TENs were objected to by Environmental Health, on the grounds of prevention of public nuisance. A licensing sub-committee hearing followed on 21st August 2013, where a Counter Notice was served against the TEN.

Mr Karpuz applied for a further standard TEN on 21/08/2013 for the dates 7/9/13 at 00.01 through to 13/9/13 at 2.30am until 26/8/13 for late night refreshment, totalling 168 hours. This TEN was also objected to by Environmental Health, on the grounds of prevention of public nuisance. A licensing sub-committee hearing was scheduled for 04/09/2013, however, the night before this hearing, the TEN was withdrawn.

History:

Both Mr Karpuz and the premises at 170 – 172 High Street itself has a history of information across Environmental Health and Licensing Enforcement, all of which shall be discussed.

The location of the premises is on a busy road, although it is situated set back from the road, with a slip road between the premises and the main road. Gazan is one in a parade of commercial premises, all of which have residential flats above. There is a block of flats immediately behind the premises, on a highly residential street.

The following licensed premises are in the same parade:

Pizza Hut, 164-166 High Street, Enfield North, ENFIELD, EN3 4EU. (LNR – 00:30)

Ponders End Food Centre, 182 High Street, Enfield North, ENFIELD, EN3 4EU. (alcohol – 1am)

Pizza Hut has not been the cause of any recent complaint of note.

However, enforcement action has been taken against Ponders End Food Centre in relation to the prevention of public nuisance, as noise disturbance was experienced by local residents after 1am. This action was supported by local residents who were affected so greatly by the noise issues that they agreed to be formal witnesses at court. This demonstrates that residents are in close proximity to this parade of shops and have been affected by noise levels from the commercial activity.

Nasreddin Hoca:

The premises was previously known as Nasreddin Hoca, and I am aware that LBE served a S80 Noise abatement Notice on the 14th September 2012 on the former owner, requiring the business to abate the nuisance from the external extraction fan unit. Breaches of the abatement notice were witnessed, and the owner was issued a Fixed Penalty Notice in October 2012. This has never been paid.

Previous licence applications, to vary the licence to extend the licensable hours for example, instigated representations being submitted from local residents as they were affected by noise issues from the premises.

Gazan:

Friday 19th July 2013 – Complainant A reported loud noise from the extractor fan to Pollution Control.

On the same day, at 22:38, Out of Hours Noise Officers received a noise complaint from a local resident about Gazan, alleging there was loud noise from music and the extractor fan emanating from the premises. The officers later returned the complainant's call who confirmed the noise was still a disturbance, so at 00:15am on Saturday 20th July, the officers visited the premises. Approximately 5 customers were in the outer seating area, which was a **breach of Condition 12**, which states this area

should not be used after 11pm. Two customers were also seen to place an order for hot food, and were also served hot starters during their visit, which is a breach of the licence times, namely midnight. Advice was given to cease, and this was followed through.

Officers were made aware that formally, the ownership was changed to over to Mr Karpuz on 20th July 2013, although as previously mentioned, the transfer of the premises licence application was granted to Mr Karpuz on 5th August.

Tuesday 23rd July 2013 – Complainant B reported a large shed had been erected at rear of Gazan, plus reports of smoke and odour nuisance from the extractor fan. Pollution Control Officer passed relevant information to Planning Enforcement.

Wednesday 24th July 2013 - In response to the alleged licensing breaches on 19th July 2013 and pollution complaints, Jeff Elliott, Pollution Control Officer and I visited Gazan and met with Mr Karpuz. Mr Karpuz confirmed he was present during the officer visit at the weekend of the complaint.

Mr Karpuz was unable to provide his home address or produce any ID with his address on it. A compliance check of the premises licence was made, and bearing in mind the problems with the previous owner and noise and odour nuisance, assessments of this were also made. Noise from the extractor fan was no longer considered to be a nuisance but the smoke and odour was.

With regards to the premises licence, the times of activities were checked: Mr Karpuz appeared to be aware of the appropriate times. The conditions were also checked, and the following was established:

Part A was displayed instead of Part B of the premises licence.

Condition 9 - Mr Karpuz was not aware of this condition, so I explained the Think 25 policy to him.

Condition 11 – I advised Mr Karpuz to turn the leave quietly sign around to face customers as they leave rather than enter.

Condition 14 - training was not recorded but MR Karpuz stated that he carried out verbal training daily.

Condition 15 - no refusals book available.

The plan on the premises licence was no longer accurate, so advice was provided to submit a full variation to amend the plan, which Mr Karpuz agreed to. In order to assist Mr Karpuz with meeting the above conditions, advice about finding the appropriate material such as training guidance, training records and refusals book, on the Enfield Council website was given. An Inspection report was issued, and Mr Karpuz was advised that further spot checks will take place.

Tuesday 30th July 2013 – I received a telephone call from Mr Sinan Ozgur, from Anka Licensing Consultants, acting on behalf of Mr Karpuz. I advised him about the outstanding conditions following the recent visit, including that the plan attached to the premises licence was inaccurate. I advised him where to find the appropriate material on the Council website to assist in meeting the conditions. I was shortly emailed an updated plan, which Licensing confirmed as needing a full variation application due to the removal of a fire exit door. This advice was relayed to Mr Ozgur in an email the following day and 14 days were given for the new variation application to be submitted, and Mr Ozgur confirmed receipt.

Friday 2nd August 2013 - Jeff Elliott and Planning Enforcement Officer, John Shuttlewood met with Mr Karpuz and his agent/architect to discuss the positioning of a

flue, and the current odour/smoke nuisance. Advice was given that a statutory notice would be likely to be served.

Monday 5th August 2013 – I spoke to Mr Ozgur who stated that the full variation application to change the plan would be with Licensing by Wednesday 7th August 2013.

Wednesday 7th August 2013 – I was made aware that Mr Ozgur had written to Licensing confirming that the full variation application to change the plan would be with them by Friday 9th August 2013.

Thursday 8th August 2013 - This was the initial date that the variation application was submitted by Mr Karpuz, namely to extend the hours. The application did not and still does not mention amending the plan attached to the premises licence, despite the advice given on 24th July, and also repeated advice since that visit to his agent dealing with applications.

Friday 9th August 2013 –Licensing Enforcement Officers were tasked to check Gazan to ensure compliance of times, and at 23:30, they arrived at the premises. No customers were seen in the seating area outside eating or smoking. A few customers were still inside the premises. The officers left at 23:40, but returned at 00:15. The officers saw that the premises was closed: the chairs were up on the tables and no customers were inside. One male was sweeping up outside, and more staff were seen inside clearing up. The officers left at 00:25.

Monday 12th August 2013 – Environmental Health objected to the TEN applications – more details as above.

Wednesday 14th August 2013 - Jeff Elliott visited a local resident/complainant's home in the evening to carry out observations for two hours. The odour and smoke was at a level that was considered to be a material interference for the resident at their property.

Friday 16th August 2013 - Jeff Elliott served the Section 80 Notice on Mr Karpuz for him to abate the odour and smoke nuisance within a 28 day period. Later that day, Jeff Elliott received an email from Mr Kapruz's agent, ankaconsultancy, advising that they have a further meeting on site on the 20th August with Purified Air Ltd.

Friday 16th August 2013 - Out of Hours Noise officers were tasked to check for compliance with times of the premises licence at Gazan. At 23.45, the officers drove past the premises and witnessed 5 people sitting in the outer seating area (**breach of Condition 12**). By the time the officers walked up to the premises, these people outside had gone, and the outer area and inside the premises was being cleaned up. When the chef (person in charge at time) was asked about these people in the outer area, he stated they had been family members waiting, but had now gone. Officers advised that this is not the most practical of places for people to wait bearing in mind the condition restriction, which is in place to eliminate people noise outside and further disturbing local residents. Officers did not see any customers inside the premises, and it was further noted that Mr Karpuz was not present.

Saturday 17th August 2013 - Officers working on Out of Hours the following night were also tasked to ensure that the late TEN which was refused by Environmental Health did not go ahead. At 00:35, now Sunday 18th August 2013, the officers entered the premises and saw a group of 20 customers (**breach of licensable hours – closing time is midnight**). No food or drink was being consumed, and it appeared that they were all paying the bill. Mr Karpuz was present and advised the officers that this large

group had come in at 11pm, but all wanted to pay for their food separately which was taking the time. Officers reminded Mr Karpuz that all customers should be clear of the premises by midnight.

Wednesday 21st August 2013 – the TEN hearing took place, where the Licensing Sub-Committee issued a Counter Notice (as per details above).

Later this day, I visited Gazan to check compliance of the blue notice for the full variation application. I met with Mr Karpuz and the manager, Mr Murat Ecer. The notice was non compliant so advice was provided, and the notice was amended accordingly in my presence, so that the last date for representations now read 18th September 2013.

During this visit, it was noted that approximately 8 customers were smoking in the outer seating area, which was more than 50% enclosed and therefore not suitable as a smoking area. Advice to address this was provided but Mr Ecer stated that instead of removing the appropriate side or frontal panels, he would make it a "no smoking area" instead. I raised my concern that this would push the smokers onto the pavement, which would be directly underneath the windows of resident's flats above, which could cause more of a noise nuisance, rather than being under the overhang of the flats.

Mr Ecer explained that they had spent £12k on these windows, importing them from Turkey. He also stated that 80% of his customers smoke. He believed that preventing the dust coming in was more important than the problems from tobacco smoke. I stated that the regulations are likely to disagree with him, and that the Smoke Free Regulations and Health Act 2006 must be complied with.

Advice was given that despite the variation application and the outcome of that, the premises does not have planning permission to open past midnight, and all staff to must vacate the premises by 1am. Mr Ecer thought that licensing would override the planning. I strongly advised that this was not the case, and enforcement may be taken.

Finally, I enquired about the involvement of the DPS, Mr Riza. Mr Ecer stated that he is present at the premises daily, normally between 7pm and midnight. NB. The DPS has never been seen at the premises at any of the visits carried out to date.

I completed an inspection report with the above advice, which was signed by both Mr Karpuz and Mr Ecer, and a copy was issued. They understood that further spot checks were likely.

Later this day, another TEN application was submitted.

Thursday 22nd August 2013 – I notified Licensing of the amendment to the last date for representations being 18th September 2013.

Friday 23rd August 2013 – Licensing Enforcement received a complaint from a local resident alleging that on Sunday 18th August 2013 at 00:35, it appeared that staff from Gazan directed between 35 and 40 customers out of the fire exit out of the kitchen, into the alley behind. These customers were very noisy and disturbed the local resident.

NB. This complaint correlates with the time of the officer visit on Saturday 17th/Sunday 18th August 2013, although officers did not witness any customers leaving the premises through the rear kitchen exit.

Also on this date, Jeff Elliot, Pollution Control Officer carried out observations of Gazan at 23:40. The front external enclosure was not being used, and was continued to be observed for 20 minutes. All the customers left the premises by midnight. Mr Elliot spoke to Mr Karpuz and explained the purpose of the officer visit that night. He mentioned that he was expecting further works to be done to the extraction system next week.

Saturday 24th August 2013 - At 00.15, Out of Hours Noise Officers attended the premises where it was observed that no customers were at the premises, but only staff clearing up.

Saturday 24th August 2013 - At 20:50, Out of Hours Licensing Enforcement Officers visited Gazan to carry out a full compliance visit, and were met by Mr Ecer. Mr Karpuz was not on the premises, but was subsequently called and arrived sometime later. The DPS was not present, and staff did not know of his whereabouts, and no call was made to him. No other person present held a personal licence until Mr Karpuz arrived. It was noted that Part A was still displayed instead of Part B, although this was later found on the premise - advice was given to address. All conditions were checked and the following was established:

Condition 11 - leave quietly sign now faces customers as they leave the premises rather than enter

Condition 14 - training was not completed in compliance with the condition, and not all staff were named in the record book: officers were advised that staff work at the premises a couple of weeks as a trial run. If they are good enough, they are taken on and then trained. However, all staff should receive induction training and best practice is that this training is completed before they work in the restaurant.

Condition 15 - the refusals book was not available at first, this was later found and officers noted it was completed in the same person's handwriting, despite the entry being in different names. There were very few matches between the names entered in the refusal book and those entered in the training book. Advice was given to ensure compliance.

Mr Karpuz advised that he would be submitting another variation to amend the plan on the premises licence which was no longer accurate.

Officers noted that the blue notice was still displayed, and that "no smoking" signs had been put up in the outer seating area. Only two people (including Mr Karpuz) were seen smoking on the pavement in front of the premises.

An Inspection report was issued, and Mr Karpuz was advised that further spot checks will take place. The officers left the premises at 21.25. The officers drove past the premises again later at 00:20 and could confirm that no customers were at Gazan, but just staff clearing up.

Wednesday 28th August 2013 - Licensing made me aware that the variation application had not been correctly advertised in the local newspaper, advice had been given.

Thursday 29th August 2013 - I called Gazan, and spoke to the manager, Mr Ecer. I advised him of the complaint received on 23rd August 2013², relating to 18th August 2013.

Friday 31st August 2013 - At 23.45, Out of Hours Noise officers were tasked to visit Gazan. On arrival, officers saw all the chairs were on the tables on the outer seating area and there were no customers outside or inside. The staff were cleaning and someone was outside sweeping the pavement. Mr. Karpuz was on site at the time of

the visit. Officers also found that the extractor flue was a serious problem, and commented that a longer period of trade would definitely cause a detrimental impact on local residents, particularly those above.

Tuesday 3rd September 2013 – I was made aware that at 15:00, Rob Oles (Team Leader of Pollution Control, Planning and Licensing Enforcement), and Jeff Elliot met Mr Karpuz, Cengiz Aslan (engineer from Lion Metal Works) and Ozcan Hassan (new agent acting on behalf of Mr Karpuz) met at Gazan.

It was established that no attenuation works had taken place to comply to the enforcement notice Jeff Elliot served on Mr Karpuz on 16th August 2013. Mr Elliot mentioned that on 20th August 2013, he had received a specification document from Purified Air, after their engineer had visited the site and completed a survey as to what equipment they business need to abate the odour and smoke nuisance. Since then, Mr Elliot had communicated with ankaconsultants and Mr Karpuz about this report in an attempt to establish if the recommendations were going to be followed through. When Mr Elliot spoke to Mr Karpuz on the evening of the 20th August 2013, he advised that someone was coming the following week to carry out works.

At the meeting, Mr Aslan showed Mr Oles and Mr Elliot some plans that were different to the recommendations that Purified Air had submitted. He did explain that the equipment they were proposing was too large to fit into the space they had. With that in mind, Mr Elliot advised that Mr Karpuz would need to look at installing the equipment as specified by the original agent they employed (Purified Air) as the engineer is confident that the equipment required to abate the nuisance can be sourced and installed with the internal environment, and in turn adhere to the planning position also.

The officers reiterated that the compliance date for the S80 notice was the 16th September, and that they would have to install the new equipment by then to comply to the notice and to ensure there is also no further planning breach either.

Mr Elliot left his contact details for the engineer and strongly advised to keep him updated with the progress, which was agreed.

In addition, Mr Elliot advised that it may be in Mr Karpuz's best interest to withdraw his current TEN application and subsequent appeal hearing, as the situation with the nuisance from the existing system had still not been addressed and therefore the Council will still oppose the TENs on this point and other issues that the Licensing Enforcement Team are concerned about.

Tuesday 3rd September 2013 – Mr Karpuz withdrew the TEN application.

Friday 6th September 2013 – I received a telephone call from Tony Byford, Licensing Officer from the Fire Service. He advised me that he had visited Gazan the day before. Due to the removal of the fire exit from the restaurant, the only fire exit is through the kitchen, which should not be taken into account as a fire exit. Therefore, this only leaves the front door as a means of escape, and that opens the wrong way. Mr Byford advised that until an extra fire exit is fitted, there must be no more than 60 people on the premises, including staff (but this excludes the outer area).

Wednesday 18th September 2013 – I sent Mr Hassan an email, who confirmed receipt the following day, with advice relating to:

1. Premises licence variation application, namely the incorrectly positioned blue notice and the newspaper advert.

2. Plan attached to current premises licence, namely no longer accurate. Advice to submit a full variation application to submit the amended plan. I further advised that as the plan is inaccurate, to use the licence as it stands, is an offence, therefore no licensable activities should take place until the plan is updated, and the amended licence issued.

3. Designated Premises Supervisor (DPS), namely that Mr Riza Demirtas has never been present during any officer visit. A DPS variation was recommended.

4. Smoking area, namely that it exceeds the 50% enclosure rule.

5. Noise from People, namely that local residents experience noise disturbance from customers leaving premises, and also at the outer rear of the premises, noise from staff leaving/smoking/congregating.

6. Future Plans, namely if the extension into the next door premises takes place, a new premises licence application would be required.

7. Allegations of operating after permitted hours, namely that complaints have been received that the premises are open and offering licensable activities after their permitted hours (namely midnight), and also that the outer area is being used after 11pm (breach of Condition 12).

Wednesday 25th September 2013 – I was informed by Licensing that the application had been confirmed by the applicant's agent as now having a last date for representation of 24th October 2013, following correct advertising procedures. Later this day, I visited Gazan, where I met with the duty manager, who introduced himself as Mr Karpuz's nephew. The blue notice still had the previous date on it, so it was changed to state 24/10/13 and redisplayed in my presence.

During this visit, it was noted that customers were using the outer seating area for smoking, and a "Smoking Area" sign was displayed. However, the outer seating area had not been changed, and was still more than 50% enclosed. I was advised that they only use 50% of the space for smokers. I advised this is not what is meant by the 50% enclosure rules of the smoke free legislation. Furthermore, a sign was displayed in this outer area stating that the outer area cannot be used after 11pm, with the exception of 15 smokers after this time. No condition on the premises licence makes this exception. Advice was provided at the time over the phone to Mr Ozcan Hassan, Mr Karpuz's consultant, including information relating to the Cumulative Impact Policy.

Thursday 26th September 2013 – I received a request from Mr Hassan to email him the Cumulative Impact Policy, and thanking me for saying all issues were correct.

On the same day, I replied to Mr Hassan where I stressed that I was concerned that he had misunderstood some of the information provided.

I confirmed that the blue notice for the variation application (extension of licensable activity hours) is now correctly displayed as I amended the last date of representation to show 24th October 2013. I emphasised that this is the only issue that is now correct with regards to Licensing.

I advised about the "Smoking Sign" that had been displayed in the outer seating area, and I explained that during my previous visits to Gazan, I had raised the smoking issue. Mr Karpuz agreed that it would be a no smoking area as he did not want to remove some of the sides. I advised that yesterday, staff advised me that customers were only allowed to smoke in half of the outer area. I explained that this still does not meet the smoke free regulations: any area where smoking is permitted must be less than 50% enclosed. To achieve this at Gazan, the sides and the front lower windows of the outer seating area need to be permanently removed, and referred him to the Smoke Free

Regulations made under the Health Act 2006 for further advice. Until these regulations are met, I strongly advised that no smoking is permitted in the outer seating area.

I advised that I also saw a sign displayed that customers cannot drink or use the outer seating area after 11pm, with the exception of 15 smokers. I advised that no smokers are permitted in the outer area at any time, but also I reiterated that the premises licence conditions currently in force at the premises does not make the exception to smokers using the outer area: Condition 12 is the only condition relating to the outer seating area which states "The outside seating area shall not be used after 23:00." I pointed out that in the variation application, Mr Karpuz has not sought to remove or amend this condition, therefore should the variation application be granted, this condition would remain as it stands.

I gave Mr Hassan a copy of the Enfield Council's Licensing Policy relating to Cumulative Impact Areas, which came into force in April 2012, and also highlighted the relevant sections. I advised that Gazan falls under the Edmonton Cumulative Impact Area, which can be seen in Annex 3 of the Policy. I stated that Mr Karpuz has been advised of this policy on numerous occasions, and the appropriate information was provided in writing in the Environmental Health's objection notice to the recent Temporary Event Notice applications.

I advised that as a result of this Policy, the Local Authority have no choice to object to the extension of hours in the variation application.

Finally, I advised that despite a previous email to Mr Hassan on 19th September 2013, no action had been taken relating to the inaccurate plan attached to the premises licence LN/ 200800342, namely that it shows two exits leading out to the front of the premises. Now there is only one. I advised that this entrance door, according to the Fire Service, opens the wrong way. Due to the reduction in doors and the front door opening the wrong way, the capacity for the premises is limited to 60 persons (includes both staff and customers). I advised that during previous visits, Mr Karpuz acknowledged the change and verbally agreed to amend the plan for the premises licence by means of a variation application.

I advised that despite this advice, the appropriate variation application to change the plan has not been submitted, and therefore Mr Karpuz is currently committing an offence under the Licensing Act 2003, and the licence should not be used. A warning of formal enforcement action was given.

On receipt of this advice via email, Mr Hassan called me the same day and we discussed the same advice over the telephone also.

Monday 14th October 2013 – Public Health received a complaint alleging food waste, including oil was being tipped down the drain in the rear alleyway causing blockage, and that Gazan were storing equipment and oil in shelter at rear of premises.

Wednesday 16th October 2013 – Public Health officer visited premises, and inspected the drains in the rear alleyway. The inspection established that the drain directly to the rear of the restaurant was full of fatty waste. A Trade Waste Producer has been served on the owner of the business to establish how they are disposing of their used oils waste. A response is required within 7 days. If no response or legal documentation is presented, the owner will be fined £300 and we will require further documentation that a trade waste agreement is in place.

Friday 18th October 2013 – At 19:30, Out of Hours Licensing Enforcement officer (JRS & AA) arrived at Gazan. No-one was seen in the smoking area, nor were any noise issues witnessed. The officers met with Mr Can Botan, who introduced himself as the manager on arrival. Mr Yusuf Karpuz was not on the premises on the officers arrival, but after a phonecall by staff, he arrived five minutes later. The DPS, Mr Riza Demirtas, the DPS was not present. When officers enquired as to the whereabouts of Mr Demirtas, both Mr Botan and Mr Karpuz stated that he had been at the premises earlier. During the visit, Mr Botan called the FSL Business Consultants, Fabien, and the officers were asked to speak to him. Fabien asked if everything was alright, and officers advised that they were there to do a full compliance inspection and to discuss the need to apply to change the plan of the premises on the licence. He was advised that a report would be issued to Mr Karpuz of their findings.

The following conditions not complied with:

Condition 13 & 14 - No proof of training as records not available

Plan on Premises Licence not accurate – advised that a full variation required.

Inspection report completed with advice, and also a Notice of Alleged Offence was completed listing **breach of conditions 13 & 14 and breach of use of Premises Licence due to plan not being accurate.**

Both reports were signed by Mr Karpuz and he was issued a copy.

The officers left at 20:15.

Monday 21st October 2013 - At 08:40, Licensing (AA) received an email from FSL Business Consultants attaching a copy of the new plan, but still no variation application form to formally change the plan accompanied the updated plan. Licensing further advised of the requirement to submit a full variation application, and all the relevant forms were attached to the email to FSL Business Consultants.

On the same day, I received an update with regards to Planning and Pollution Control, as follows:

Flue

- Noise issue has been abated
- Smoke issue has been abated
- Smell issue has nearly been abated, however there is still a slight smell so officers have instructed the owner/occupier to remove the top of the flue which will take it below first floor level and then add an angled head to try and take the smell away from the landing. This is not necessarily the solution but should be better for the residents.
- Needs to be painted in acceptable colour
- A revisit will be taking place on Wednesday 23rd October 2013 to check progress.

Smoking area

- The owner has removed the glass partition from the raised seating area as instructed. Therefore its current use and form complies with the planning approval granted by the Planning Inspectorate. Therefore no further action on this issue is currently required.

Canopy at rear

- Not acceptable in terms of location and materials used in construction
- Not acceptable to Property Team (Land owner)
- To be removed by Wednesday 23rd October 2013

Black metal storage container to the rear

- Not acceptable in terms of location and materials used in construction
- Not acceptable to Property Team (Land owner)
- To be removed by Wednesday 23rd October 2013

Signage to the front

- Formal Notice was served requiring the removal of the box sign to the front of the Premises, The unauthorised signage has now been removed therefore the Notice has been complied with.

Storage and racking in the alleyway

- The storage racking however temporary, is not acceptable. We instructed the owner to remove the racking and its contents and the broken sign and wood from the rear of the Premises. The racking and its contents have now been removed and the wood and sign will be removed by Friday 18th October 2013.

Tuesday 22nd October 2013 – Licensing advised FSL Business Consultants to submit a variation application to amend the plan.

Wednesday 23rd October 2013 – Licensing received an email from FSL Business Consultants confirming that a minor variation application to amend the plan would be submitted shortly. Licensing replied advising that a full variation application is required.

Planning Information:

Gazan only has planning permission to be open for business between the hours of 08:00 and 24:00 each day; and all activity associated with the use shall cease within 1 hour of the closing time. Planning conditions state that no external speakers are to be placed on the external decking area; the decking area shall not to be used after 2300 hours; and seating on the external area should not be for more than 16 persons.

Capital Restaurant, 271 Fore Street

Licensing Enforcement are aware of Mr Karpuz's involvement at other similar licensed premises, which supports why we have a lack of confidence in Mr Karpuz's management and compliance at licensed premises.

Until recently, Mr Karpuz previously held the position of DPS at Capital Restaurant, 271 Fore Street, N9 OPD, namely between 23/02/2012 and 24/09/2013, and also Premises Licence Holder between 22/03/2012 and 26/09/2013. Despite the transfer, I still deem it relevant to include the relevant history of this premises:

On 17th July 2013, an Environmental Crime Officer from LBE attended the local CAPE meeting, where it was alleged that the premises is open all the time, which exceeds its permitted licensing hours of opening 10am until 2.30am, but all licensable activities are from 10am until 1am. This information was later passed to Licensing Enforcement.

On 28th July, Out of Hours officers were tasked to carry out observations, and they visited at 3am, where they saw the premises were open. Cleaning was in progress, no cooking was seen however customers were still sitting eating at tables inside and

outside. Considering the last time for late night refreshment is 1am, customers should have finished eating by this time, which suggests that cooking took place after this permitted time.

On 2nd August 2013, a further complaint of the same nature was received from a local resident, namely open all hours, the outer lights are on all the time, and there are odours from the cooking, all of which are disturbing local residents.

In light of the further complaint, and what was previously witnessed by officers, Out of Hours officers entered the premises at 01:25 on Sunday 11th August 2013 at which time cooking was still taking place. Recorded music was also being provided, both of which are breaches of the times of the licence. Staff at the premises seemed unaware of the licensed hours, the current licence could not be found and Part B of the licence was not on display. Officers spoke to Mr Karpuz on the phone during this visit, and he seemed unaware of the licensed hours, nor did any staff present. This reflects a potential breach of conditions 18 to 20, relating to staff training and the premises licence.

On 19th August, Licensing Enforcement wrote a warning letter to Mr Karpuz about the breaches of times and conditions witnessed, but also provided advice on how to prevent further breaches. Advice was also included in relation to planning, where the premises is only permitted to be open until 1am latest, in order to safeguard the amenities of the occupiers of adjoining and nearby residential properties.

25th August 2013 – Out of Hours officers carried out observations of the premises at 01:15am and found it to be shut, and the grills were switched off and staff were cleaning up.

NB. Officers previously noted that Mr Karpuz had a different home address on the licence for Capital compared to those given on the recent TEN and vary applications for Gazan.

Previous Licensing Convictions

Mr Karpuz was also linked with Capital Restaurant, 395 Fore Street, N9 0NR. He was the Premises Licence Holder until 20/2/12, and the DPS between 19/8/10 and 18/7/12. During his management in 2010, Mr Karpuz himself committed s.136 offences under the Licensing Act 2003, namely selling and storing alcohol, and providing late night refreshment without the appropriate licence. Mr Karpuz was found guilty, and subsequently was made to pay a large fine and costs.

Cumulative Impact Policy (CIP)

This premises is located in the Edmonton Cumulative Impact Policy Area.

The CIP came into force in April 2012 and relates to all new and variation applications. The CIP states the core hours that should not be exceeded for each type of premises in particular locations. These are:

Sale of alcohol (on sales) when subject to the conditions that 'alcohol shall not be supplied other than as ancillary to a substantial table meal' Mon – Sun 10:00 – 00:00.

Live music, Recorded Music, Performance of Dance, Facilities for making music, and for Facilities for dancing: Mon – Sun 09:00 – 23:00

Plays, films, indoor sporting events and or boxing ort wrestling entertainment:
Mon – Sun (indoors) Mon – Sun 09:00 00:00

Late night refreshment: Mon - Sun 23:00 – 24:00 Indoors only

Paragraph 9.22 of the LBE Licensing Policy states that where the hours applied for exceed those specified in the CIP there is a presumption that the application will be refused.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance.

The hours applied for in this variation application exceed those specified in the CIP.

Advice has been provided to the applicant and his agents about the CIP on numerous occasions.

Conclusion:

So to summarise, there is a significant history of enforcement intervention at Gazan in just the short (near on) three months that Mr Karpuz has been named Premises Licence Holder. Enforcement action included an abatement notice being served on the flue for noise/smoke/odour nuisance, which has only recently been abated.

Furthermore there is already a history of complaints from local residents relating to the premises itself and noise disturbance, whether it be from cooking or people noise, late at night with previous owners also. Three complaints from residents have been received by LBE since Mr Karpuz took over the premises, which were substantiated at the time. It would not be appropriate to extend the opening hours in light of the close proximity to local residents, at the risk of them experiencing potential noise disturbance from customers leaving at the later hour.

Further concerns grow about the management of the premises, as Mr Demirtas, the DPS, has never been sited during any of the (at least) nine visits to the premises, nor do staff appear to be familiar with Mr Demirtas.

LBE promote the guidance that the role of the DPS is to be have daily control over the sale of alcohol, and provide the relevant training to staff. As Mr Demirtas is never at the premises, this may explain the continued breaches of training related conditions 13 and 14 (24/7/13, 24/8/13 and 18/10/13).

Mr Karpuz has been present at Gazan on six out of nine officer spot checks/response to complaint visits, but this includes him being called to the premises as a result of the officer visit. However, it does not seem to make a difference as to the level of compliance with times and conditions as to whether Mr Karpuz is there or not, as on 29/7/13, 24/7/13, 17/8/13, 24/8/13 and 18/10/13, breaches were established and brought to Mr Karpuz's attention. This heightens our concern with the effectiveness of Mr Karpuz's management at this premises, but we also have seen evidence that Mr Karpuz has been unable to demonstrate compliance at the Capital Restaurants also.

He appears to have ignored LBE advice about conditions, and also the legal requirement to submit a variation application to amend the plan attached to the premises licence, as he himself has been advised on at least three occasions (24/7/13, 24/8/13, 18/10/13). Despite this, he has not insisted that his consultants make the

application for the the full variation, who in turn have been advised by LBE on at least nine occasions (30/7/13, 31/7/13, 5/8/13, 7/8/13, 18/9/13, 19/9/13, 26/9/13, 22/10/13 and 23/10/13). The last TEN that Mr Karpuz was issued with an Objection Notice on behalf of Environmental Health which also contained that information.

Given the close proximity to local residents, the history of complaints, the unsatisfactory licensing compliance history, and in line with the Cumulative Impact Policy, the Licensing Authority deem it appropriate to object to this variation application in it's entirety, in order to promote all the licensing objectives.

However, if this application were granted in full or part, I would recommend that the current DPS is removed from the premises licence and varied with a member of management with a personal licence, that is not Mr Karpuz.

I also recommend the following conditions be attached to the licence to promote the licensing objectives. These conditions are in addition to the proposed conditions in Annex 2 as indicated.

| | Proposed Conditions – Annex 2 | TS Agree | Amended to Read / Suggestion |
|----|--|----------|------------------------------|
| 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. | Y | |
| 4 | 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. | Y | |
| 5 | The premises boundary shall be clearly identifiable so that customers know where the premises ends and the drinking control area starts. | Y | |
| 6 | Any children on the premises after 19:30 shall be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult. | Y | |
| 7 | Children under the age of 14 shall not be permitted on the premises after 21:00. | Y | |
| 8 | Children under the age of 18 shall not be permitted on the premises after 23:00. | Y | |
| 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) may be accepted.* | Y | |
| 10 | Alcohol shall not be supplied other than as ancillary to a substantial table meal. | Y | |
| 11 | 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 | Y | |

| | | | |
|----|--|------------------------|--|
| | shall be positioned at eye level and in a location where those leaving the premises can read them. | | |
| 12 | The outside seating area shall not be used after 23:00. | Y | |
| 13 | All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the terms and conditions of this licence. | Y | |
| 14 | All training shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request. | Y | |
| 15 | 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. | Y | |
| 16 | A CCTV system shall be installed, operated and maintained at the premises. Tapes shall be kept for 31 days. | Y | |
| 17 | Customers shall be discouraged from congregating outside the premises. | Y | |
| | Additional Conditions to be Added in Annex 3 | Applicant Agree | |
| | No more than 60 people (including staff) are permitted inside the premises at any one time, until an additional fire exit is provided (other than through the kitchen). | | |
| | No more than 16 people can use the outer seating area at any one time. | | |

*LBE currently promote the "Think 25" Policy.

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

Duly Authorised: Ellie Green, Principal Trading Standards Officer - Licensing Enforcement

Contact: 0208 379 8543 or ellie.green@enfield.gov.uk

Signed:



Date: 23/10/2013

LICENSING AUTHORITY REPRESENTATION**ADDITIONAL INFORMATION**

Name and address of premises: Gazan Restaurant,
170-172 High Street,
ENFIELD,
EN3 4EU.

Type of Application: Variation of Premises Licence

This document includes the details of complaints received and all Officer Observations and intervention carried out in relation to the above premises since 23rd October 2013 (i.e. the date the Licensing Authority submitted their representation to object to the variation application):

Thursday 24th October 2013 – Officers carried out a visit to the premises where they saw that the flue has been painted, but unfortunately only the undercoat had been done. An assessment of the flue and its impact on neighbours was carried out. No noise or smoke was witnessed. Officers did however agree that there was an odour issue which needed to be addressed; although it was not assessed as a statutory nuisance. The engineer agreed to carry out a full inspection of the new filtration system as there appeared to be a fault on the filters. Officers advised Mr Karpuz that if the system is not fixed by the revisit, the Council will not hesitate in closing the restaurant again until they are satisfied residents will no longer be affected.

Weekend of 2nd November 2013 – A local resident complained that the odour from the extractor flue had become very strong again.

Monday 4th November 2013 – Officers visited the premises and met Mr Karpuz and the ventilation engineers. It was identified that a motor to one of the fans had 'blown' and so the odour filtration was not working properly.

Wednesday 6th November 2013 – Officers visited the complainant, and there was no odour issue within the home. Officers visited the premises and established that the motor had been repaired and all the filters within the internal extraction system have been replaced. During this visit, officers noticed a considerable reduction of odour and there was no issue with smoke or noise. However, based on past experience, the officers are aware that the restaurant is busier in the evening and there would be potential for the odour to worsen. Therefore, they asked the restaurant to load the grill with food and to increase the fan speed on the extraction system to simulate busier cooking periods. The odour on the balconies of the flats above became more noticeable.

Officers were advised that the engineer will visit again to re-examine the extractor system and provide a more permanent solution the same week. In the interim, officers instructed Mr Karpuz to keep the fan system on its lowest setting to ensure that the odour is minimised. He was advised that a re-visit will take place when the engineer has re-examined the system and will continue to monitor the situation.

On the same date, officers were able to update on the following:

Racking:

The racking located at the rear of the premises has been removed.

Blocked drain from fat etc:

Mr Karpuz provided evidence of collection of waste oil by a company. The drain was not blocked and there was no evidence of fats in the drain compared to the recent visits.

Container:

The container at the rear of the premises has not yet been removed.

Friday 8th November 2013 – Out of Hours officers visited the balcony area above Gazan at 21:55, and a slight charcoal odour was identified, but no smoke observed. The officers then entered the premises and met with Mr Mehmet Nuri, manager. The officers saw that the extractor was on setting #1, as advised by Pollution Control officers. Officers observed that no customers under 14 were seen at the premises at this time. Later this evening, at 23:45, the officers drove past Gazan and confirmed that there were no customers inside or outside, just staff cleaning up.

Monday 11th November 2013 – Licensing Enforcement (EVG) attempted to contact Mr Karpuz to enquire as to the outstanding conditions, namely relating to the training records and also the variation application to amend the plan. A message was left on his mobile. A call was made to Gazan and left a message with a member of staff to return the call. To date, no response has been received.

Tuesday 12th November 2013 – At 16:20, Officers (JTE & ABR) visited Gazan to assess the current situation. There were six customers in the smoking area, none were smoking and the side glass from the panels was still not in place. We were met by Mr Mehmet Nuri, who introduced himself as the manager on arrival. Mr Yusuf Karpuz was not on the premises at the time of our visit, and was advised that he was on his way to the venue. There were around 10 customers inside the premises plus approximately 10 staff. The fan speed was on level 1 and officers advised that it was to stay on level 1.

The DPS was not there. Mr Jann Botan approached me and introduced himself as one of the managers and promptly called the FSL Business Consultants, Fabien, and an officer (JTE) spoke to him for several minutes about the purpose of the visit, namely to check outstanding conditions and to check the other outstanding extractor etc issues.

The officer asked Fabien about Conditions 13 & 14 of the premises licence as officers were not shown any proof of training as records when requested. Fabien explained they had been taken the training files to his office as so they could be photo copied, but maintained they had been completed. The officers explained to him that the records would need to brought back for inspection as soon as possible and that a further inspection would be required.

Fabien further advised that with regards to the plans for the seating arrangements and changes to the plan of the premise licence, he had been in communication with Mark Galvayne about this issue.

In relation to both points, the officers further advised that these matters would need to be resolved as a matter of urgency.

Observations were also carried out to the rear of the premises: from the access point to the stairs there was a slight noticeable trace of odour; from the balcony next to the outbreak point no noticeable odour; from outside some of the flats there was a very slight odour. In the officers' opinion at this stage the extraction system had been repaired adequately and was working efficiently, so therefore at this stage they were in compliance to the s80 Notice previously served on the business.

Mr Karpuz did not arrive at Gazan during the officers visit, who left the premises at 17.15.

To date, no training records have been seen, nor has any variation application been made to Licensing to amend the plan, therefore breach of conditions 13 and 14 are still outstanding, as is the breach of the use of the premises licence due to the plan not being accurate.

Further observations and spot checks may take place ahead of the hearing on Wednesday 20th November 2013.

In conclusion

The fact that these breaches of conditions and the plan are still evident after all the officer advice has been provided, and with the hearing for the variation application pending demonstrates a total disregard for the law and that Mr Karpuz has not taken this matter at all seriously.

The problems with the odour nuisance continue to flare up although not consistent. There is still the risk that should the extension be granted, the residents would be subject to prolonged nuisance, which is not acceptable.

The DPS, Mr Demirtas, has still not been observed to be operational or involved at the premises.

Our representation for the variation application remains the same, namely that the Licensing Authority object.

Duly Authorised: Ellie Green, Principal Trading Standards Officer - Licensing Enforcement

Contact: 0208 379 8543 or ellie.green@enfield.gov.uk

Signed:



Date: 13/11/2013

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



LICENSING SUB-COMMITTEE – 20 NOVEMBER 2013

Application was made by **MR YUSUF KARPUZ** for the premises known as and situated at **GAZAN RESTAURANT, 170 – 172 HIGH STREET, PONDERS END EN3** for variation of the Premises Licence.

The Licensing Sub-Committee **RESOLVED** that the application be **REJECTED**.

Reasons:

The Chairman made the following statement :

“The Licensing Sub-Committee (LSC), having considered all the written and oral submissions presented to us, has resolved that it is appropriate for the promotion of the licensing objectives, to reject the application.

The panel was not persuaded that the applicant had demonstrated an understanding either of the policy, or how it impacted on their application. We were told by the representative for the applicant that the Cumulative Impact Policy is only about alcohol related crime and disorder.

The panel was further told, at the very outset of its submission, that the case for the applicant relied on the fact that Gazan is a restaurant and not a takeaway establishment – citing 9.25 of the Council’s Licensing Policy and therefore that the application should be considered as an exception to the CIP.

However, under questioning, it was made apparent that the premises does offer and is seeking extended hours for takeaway food as well as for sit-down meals.

The LSC was asked to consider that no incidents of crime and disorder were found or reported during the tenure of Mr Karpuz as Premises Licence Holder. And yet, despite much advice and guidance issued during numerous officer visits to Gazan, the applicant and representative (who had been advised similarly) had failed to properly address or deliver appropriately with regard to the plan of premises on the licence not reflecting the current physical layout and use of the restaurant.

We were expressly told by the Principal Licensing Officer in response to a question from the Chairman, that this in itself is a criminal offence, by which no licensable activities should or could be carried out currently, even within the existing hours on the licence.

Additionally, within the submissions we heard, the applicant failed to address any of the issues of public nuisance, raised particularly by the interested parties, or indeed public safety upon which the Borough fire officer had raised concern. The panel felt it must give weight to these concerns.

The LSC was not satisfied that the premises have been or are being properly and efficiently managed, there having been repetitive alleged breach of conditions even since the application to vary was first made – some alleged breaches even as late as the Saturday

preceding the hearing.

We were seriously concerned by the evidence as to the function of Designated Premises Supervisor (DPS) being exercised in accordance with the statutory guidance (Section 182), and that the submissions from the applicant and answers to Members' questions ran counter to the detailed evidence from the licensing authority that the DPS had not been present on at least nine of visits made to the premises, noting that such visits were normally made during the busiest operating hours of the restaurant, when a DPS would normally be expected to be present and in control of the premises.

Guidance suggests that one of the key roles of a DPS is to provide an essential point of contact for police, fire officers, or licensing authority officers; so that problems can be dealt with swiftly.

This had not been the case with Gazan; further, on several occasions, Mr Karpuz himself only made himself available when called to the premises by other managers.

The Licensing Authority and Metropolitan Police Service both revealed lack of confidence in the owner and staff, something which the LSC shared as a result of the answers to its own questions at the hearing.

Although some measures had been taken to mitigate the impact of the restaurant on the immediate vicinity, this had taken far longer than appropriate, and the Licensing Authority seems to have endured lack of co-operation from the Premises Licence Holder, who failed to adhere to regular advice being offered to support effective operation of the licence.

According to the Council's CIP, the LSC needs to be persuaded that the applicant can demonstrate no negative cumulative impact on any of the licensing objectives. In fact, the LSC has concerns about these four objectives being actively promoted at present; so it is not satisfied that sufficient additional steps are being made to justify extending hours in the Edmonton Cumulative Impact Policy (CIP) zone.

Therefore, given insufficient evidence that the application should be treated as an exception to the CIP, or confidence in the management to properly promote the licensing objectives in extended hours, the LSC has determined that rejecting the application is appropriate."

Date Notice Sent : 21 November 2013

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 Enfield Magistrates Court. The contact details for Enfield Magistrates are as follows:

Enfield Magistrates Court,
The Court House, Lordship Lane, Tottenham, London, N17 6RT.
Tel: 020 8808 5411 or Fax: 020 8885 4343

Mr Yusuf Karpuz
 Gazan Restaurant,
 170-172 High Street,
 Enfield,
 EN3 4EU.

Please reply to : Ellie Green
 Principal Trading Standards
 Officer – Licensing Enforcement
 B Block North, Civic Centre,
 Silver Street, Enfield, EN1 3XA

E-mail : Ellie.green@enfield.gov.uk

Phone : 0208 379 8543

Textphone :

Fax :

My Ref : WK/213075426

Your Ref : LN/200800342

Date : 11th December 2013

Dear Mr Karpuz,

**Re: Gazan Restaurant, 170-172 High Street, Enfield, EN3 4EU.
 Licensing Act 2003**

On 24th July 2013 a licence inspection of the premises licence at Gazan Restaurant was carried out where it was noted that the plan attached to the premises licence (LN/200800342) was no longer accurate as the layout had changed, including the removal of 2 exit doors. You were given advice at this time to submit a variation application form with a copy of the new layout of the premises to the Licensing Team with immediate effect.

Since then, both Licensing Enforcement Officers and Licensing Officers have brought this matter to your attention and your agent's attention on numerous occasions, including at the Licensing Sub-Committee hearings for the TEN objection (21/08/2013) and the variation application (20/11/2013). However, no full variation application has been submitted to date.

I understand that you recently (21/11/2013) submitted a minor variation application, however it was deemed invalid for a number of reasons:

- The incorrect fee was submitted;
- No plan was included in the application;
- The relevant part of the premises licence was not included in the application;
- The premises licence holder did not sign the application form.

As you were advised on 23rd October 2013, in accordance with 8.55 of Guidance issued by the Home Office under S.185 of the Licensing Act 2003 "many small variations to the layout of a premises will have no adverse impact of the licensing objectives. However, changes to layout should be referred to

Ian Davis
 Director - Environment
 Enfield Council
 Civic Centre, Silver Street
 Enfield EN1 3XY


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the full variation process if they could potentially have an adverse impact on the promotion of the licensing objectives, for example by affecting access between the public part of the premises and the street."

A minor variation application is therefore not considered suitable as the variation to the premises layout, namely the reduction of exits, could have an adverse effect on the promotion of the licensing objectives, namely public safety,. Therefore you are required to submit a full variation application to amend the layout of the premises.

I must advise you that it is a criminal offence to provide licensable activities at Gazan Restaurant until an amended plan has been annexed to the licence, in accordance with Section 136 (1) (a) of the Licensing Act 2003.

Carrying on or attempting to carry on licensable activities otherwise than under and in accordance with an authorisation is a criminal offence under the Licensing Act 2003, s.136 (1) (a) and each offence could result in a maximum fine of £20,000 and or six months imprisonment.

If the correct application form is not submitted within 7 days from the date of this letter, and licensable activities are observed at Gazan Restaurant after this time, you leave us no choice but to invite you for an interview under caution in relation to this offence. If further breaches of the Licensing Act 2003 are observed, such as non-compliance with times or conditions, these may also be included in the interview.

To assist you in achieving compliance, please find enclosed a full variation application form for you to complete and submit.

If you have any queries about this letter, please contact me on 0208 379 8543 or ellie.green@enfield.gov.uk. If you have any queries about the application and the licensing process, please contact Mark Galvayne, Principal Licensing Officer, on 0208 379 3578 or licensing@enfield.gov.uk.

Kind regards,

Ellie Green
Principal Trading Standards Officer – Licensing Enforcement

cc. Mr Yusuf Karpuz (PLH), 118 Meadgate Avenue, Chelmsford, Essex, CM2 7LH.

Mr Riza Demirtas (DPS), Flat 6, 238 Green Lanes, LONDON, N13 5TU.

Fabien at FSL Business Consultants (Agent), 20 Adamson Road, NW3 3HR

APP 5

WKI 213075426

LICN 2

NOTICE OF ALLEGED OFFENCE

This notice is to inform you that during a visit to these premises by an officer of the Trading Standards and Licensing Enforcement Team, the following offence(s) was witnessed:

The sale of hot food to take away after 23:00 + 23:00 at shops were sold at 23:20 when a valid Premises licence was not in place under the Licensing Act 2003.

As I suspect an offence has been committed, I must caution you. You do not have to say anything or respond to this notice, but it may harm your defence if you fail to mention when questioned something that you later rely on in court. Any reply that you do give may be used in evidence.

You are entitled to seek independent legal advice before making any response that you wish to make. The officer giving you this notice is not placing you under arrest.

| | |
|----------------------------|---|
| Premises Name: Address: | Gazan Restaurant 170-172 High Street Enfield EN3 4EU |
| Telephone Number: | 020 8 805 3777 |
| PLH Name: Address: | Yusuf Karpuz 118 Meadowgate Telephone Chelmsford, Essex CM2 7LH |
| Telephone number: | 07515 444320 |
| DPS Name: Address: | Mr Risa Demetras Flat 4, 238 Green Lanes Palmer's Green N13 5TH |
| Telephone number: | 07786 638610 |
| Seller Name: Address: | Sirhan Ishan 31A SILVER STREET EDMONTON N18 2EZ |
| Telephone number: | |

This breach constitutes a CRIMINAL OFFENCE. In accordance with our enforcement policy, this matter will now be investigated and reported to the Head of Trading Standards and Licensing for consideration for prosecution. This matter may also be referred to the Council's Licensing Committee for a review of the premises licence. You will be advised in due course of any action that will be taken.

| | |
|--|--------------------------|
| Signature of Officer on visit: | Signature of Recipient: |
| <i>C. Tomaso</i> | <i>Yusuf Karpuz</i> |
| Print Name: C TOMASO | Print Name: YUSUF KARPUZ |
| Position: Environmental Health Officer | Position: OWNER |
| Date: 3.1.14 | Date: 3/1/14 |

Trading Standards & Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH,
Tel: 020 8379 1000
Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH Tel: 0208 379 6112

For queries relating to new applications, variations, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578 or licensing@enfield.gov.uk, and state the WK reference number above.



REF:WK/ 213045783

LICN_1

LICENSING ENFORCEMENT INSPECTION REPORT

| | | |
|------------------|---------------------------------------|---------------|
| Premises Name | Bazan Restaurant | |
| Premises Address | 170-172 High Street, Enfield, EN3 4EU | |
| Time of Visit | Start: 11.10 | Finish: 11.35 |

During an inspection of your premises onWed. 29th Jan..... 20 14..... the following was checked:

Part B of Premises Licence displayed? Yes No
 Address & tel no. of PLH & DPS on licence correct? Yes No (If incorrect, insert new details below)
 Conditions of licence checked? Yes No

| No. of condition not in compliance | Evidence/Advice |
|------------------------------------|--|
| 14 | Full licence inspection as a result of pending application. Training records seen but person who carried out the inspection with us was not named in the book (Mehmet Nuri) He claimed not to work at the premises and to be the owners nephew. New waitress apparently started yesterday so not named in book either - please ensure all staff are trained as soon as they start working at the premises and that all training is recorded. Date for next training 16/2/14 17/2 noted |

Any other matter(s) that need addressing: in book.....

You are required to have the above matters attended to within ...1.....days of this notice. Failure to rectify the above breaches may constitute a criminal offence and result in legal proceedings being brought against you.

| LICENSING ENFORCEMENT TEAM | RECIPIENT OF NOTICE |
|---|---------------------------------------|
| Signature of Officer on visit: <i>Palmer</i> | Signature: <i>[Signature]</i> |
| Print Name: 0208 379 3965 CHARLOTTE PALMER. | Print Name & Position: MEHMET NURI |

Licensing Enforcement, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 020 8379 8505
 Police Licensing Officer, Civic Centre, Silver Street, Enfield, EN1 3XH, Tel: 0208 379 6112

For queries relating to new applications, variations, transfers, vary DPS, Temporary Event Notices, address changes etc, please contact the Licensing Team on 0208 379 3578



GAZAN RESTAURANT – WK/213080911**EXISTING LICENCE CONDITIONS :****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. 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.
5. The premises boundary shall be clearly identifiable so that customers know where the premises ends and the drinking control area starts.
6. Any children on the premises after 19:30 shall be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult.
7. Children under the age of 14 shall not be permitted on the premises after 21:00.
8. Children under the age of 18 shall not be permitted on the premises after 23:00.
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) may be accepted.
10. Alcohol shall not be supplied other than as ancillary to a substantial table meal.
11. 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.

12. The outside seating area shall not be used after 23:00.
13. All staff shall receive induction and refresher training (at least every three months) relating to the sale of alcohol and the terms and conditions of this licence.
14. All training shall be documented and records kept for 12 months. These records shall be made available to the Police and/or Local Authority upon request.
15. 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.

PROPOSED BY LICENCE HOLDER :

16. Customers shall be discouraged from congregating outside the premises.

REQUESTED BY METROPOLITAN POLICE SERVICE :

17. 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 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) Be capable of visually confirming the nature of the crime committed; (5) Provide a linked record of the date, time, and place of any image; (6) Provide good quality images – colour during opening times; (7) Operate under existing light levels within and outside the premises; (8) Have the recording device located in a secure area or locked cabinet; (9) Have a monitor to review images and recorded picture quality; (10) Be regularly maintained to ensure continuous quality of image capture and retention; (11) Have signage displayed in the customer area to advise that CCTV is in operation; (12) Digital images must be kept for 31 days; (13) Police or authorised local authority employees will have access to images at any reasonable time; (14) 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.

18. 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 should not be taken off the outside seating area 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.

REQUESTED BY LICENSING AUTHORITY :

19. All incidents of crime & disorder shall be recorded in an incident logbook. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year from the date of the last entry.
20. A dispersal policy shall be prepared and agreed with the Head of Business Regulation at the Council, within 14 days of the grant of the licence. The policy shall be applied at all times.
21. No more than 60 people (including staff) are permitted inside the premises at any one time, until an additional fire exit is provided (other than through the kitchen).
22. No more than 16 people can use the outer seating area at any one time.

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

LICENSING SUB-COMMITTEE - 19.2.2014

**MINUTES OF THE MEETING OF THE LICENSING SUB-COMMITTEE
HELD ON WEDNESDAY, 19 FEBRUARY 2014**

COUNCILLORS

PRESENT Derek Levy, Yusuf Cicek, Anne-Marie Pearce and Andreas Constantinides (for item 776)

OFFICERS: Mark Galvayne (Principal Licensing Officer), Catriona McFarlane (Legal Services Representative), Charlotte Palmer (Licensing Enforcement Officer), PC Martyn Fisher (Metropolitan Police Service), Jacqui Hurst (Democratic Services)

Also Attending: Premises Licence Holder, Legal Representative and Translator for Deniz Off Licence, 269 Fore Street, Edmonton, N18
Premises Licence Holder, Leaseholder, Members of Staff and Legal Representative for Club 303, 1 Jute Lane, Enfield, EN3
The Operator, Representative of the Operator, and Legal Representatives of Punch Taverns for Punch Taverns PLC at the premises known as Maze Inn, 7 Chase Side, Southgate, N14.

771**WELCOME AND APOLOGIES**

The Chairman welcomed all those present, introduced the Members, and explained the order of the meeting.

Councillor Yusuf Cicek attended for consideration of the following items set out in the minutes below:

Deniz Off Licence, 269 Fore Street, Edmonton, N18 (Minute No.774 below refers)

Club 303, 1 Jute Lane, Enfield, EN3 (Minute No.775 below refers)

Councillor Cicek then had to leave the hearing due to ill-health and was replaced by Councillor Andreas Constantinides for the following item:

Maze Inn, 7 Chase Side, Southgate, N14 (Minute No.776 below refers)

772**DECLARATION OF INTERESTS**

NOTED that there were no declarations of interest in respect of any of the items on the agenda.

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This was re-affirmed following the arrival of Councillor Constantinides.

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HIDEOUT CAFE, 225 ORDNANCE ROAD, ENFIELD, EN3 (REPORT NO.198)

RECEIVED application made by Mr Javad Kohansal for a new Premises Licence for the premises known as and situated at Hideout Café, 225 Ordnance Road, Enfield, EN3.

Mark Galvayne, Principal Licensing Officer, advised those present that this application had now been withdrawn. The matter had been settled in advance of this meeting and representations had been withdrawn.

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DENIZ OFF LICENCE, 269 FORE STREET, EDMONTON, N18 (REPORT NO.199)

RECEIVED application made by the Licensing Authority for a review of the Premises Licence for the premises known as and situated at Deniz Off Licence, 269 Fore Street, Edmonton, N18.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The review had been requested by the Licensing Authority, as set out in the agenda papers previously circulated.
2. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The review is made on the grounds of prevention of crime and disorder and the protection of children from harm. The authority considers that it is appropriate, for the promotion of the licensing objectives, to revoke the licence.
 - b. The licence had been subject to previous reviews and variations.
 - c. The history of licence breaches set out in full in the background information and visit history which included the sale of non-duty paid goods and failures in underage test purchases. Due to the history of illegal activities as documented, it was deemed that the only appropriate course of action would be the revocation of the licence.
3. The opening statement of PC Martyn Fisher, Metropolitan Police Service, including the following points:
 - a. The Metropolitan Police service fully supported the application of the Licensing Authority to revoke the licence. The Premises Licence holder had failed to demonstrate confidence in meeting the licensing conditions.

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4. The following questions arose:
 - a. Councillor Levy questioned the repeated episodes of non-duty paid goods and the licence holder's ability to meet the conditions of the licence, and the actions which had previously been taken by the Licensing Authority. In response Charlotte Palmer, Licensing Enforcement Officer, outlined the minor variations which had previously been applied to the licence. All appropriate conditions were already attached to the premises licence. Breaches of the licence continued to occur.

5. The opening statement of Mr. G. Hodkinson, legal representative for Mr Koca, the Premises Licence Holder, including the following points:
 - a. Mr Koca had not realised the seriousness of his position until the hearing today. A Magistrates Court hearing was scheduled to take place on 26 March 2014. There were 8 charges of which Mr Koca has pleaded guilty to 7. The charges were set out in full to the hearing and related to the sale of non-duty paid cigarettes and tobacco in small quantities on a number of separate occasions. Mr Koca had pleaded not guilty to the sale of counterfeit alcohol. Mr Koca has 3 employees and 75% of the income from the premises was in relation to alcohol and tobacco.
 - b. The legal representative sought an adjournment to the review of the licence until the Magistrates Hearing had taken place on 26 March 2014. It was also stated that should a decision be taken today to revoke the premises licence it would prevent an appropriate re-organisation of the business and the ability to continuing to offer work to the 3 current employees. If an adjournment was not granted the possibility of suspending the licence pending the Court hearing was also raised.
 - c. As a point of clarification, Mark Galvayne, Principal Licensing Officer, stated that the Licensing Authority or the Police could not review or revoke a personal licence, this could only be a decision of the Magistrates Court.

6. Questions were invited from those present in response to the opening statements. The following points arose:
 - a. Councillor Levy stated that an adjournment had not been requested prior to the start of the hearing and so it would now continue to proceed. He drew attention to section 4.6 of the application report, Guidance section 11.24. He also questioned the statement that Mr Koca had not previously realised the seriousness of his situation. Mr Koca had been a licence holder for some considerable time and the licence had been subject to previous review. Advice would have been given over the period of time in question when the incidents had taken place and goods seized.
 - b. In response to a question by Councillor Pearce, it was noted that Mr Koca had received his licence holder training in both Turkish and English and that the employees of the premises had received training from Mr Koca.
 - c. Councillor Levy drew attention to the prosecution history set out in the documentation when the conditions of the licence would have been clearly reiterated. Mr Koca had been a licence holder for 9 years and had been

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subject to previous reviews and warnings. Mr Koca's legal representative responded and explained Mr Koca's current position.

d. In response to a question raised by Councillor Levy, the legal representative stated that he would seek a suspension of the licence rather than revocation until a week after the Magistrates Court hearing on 26 March.

d. Councillor Cicek questioned Mr Koca's business plan if the licence was suspended. The legal representative confirmed that there was no plan in place at this time. He further stated that Mr Koca had acted on previously highlighted deficiencies including adequate staff training and the provision of CCTV.

e. It was noted that whilst there had been no police incidents reported since 7 January, there had been a further licence breach recorded by the Licensing Authority on 29 January 2014 the detail of which was noted by those present.

f. In response to a question raised by Mark Galvayne, Principal Licensing Officer, it was noted that Mr Koca had employed a legal representative at his previous licence review.

g. Mr Koca's legal representative had stated that Mr Koca was aware of other premises in the area selling non-duty paid goods. Charlotte Palmer, Licensing Enforcement Officer, requested details of the premises in question. This was not provided.

7. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. Mr Koca had admitted the sale of non-duty paid tobacco on a number of occasions.
 - b. Attention was drawn to the relevant law, guidance and policies set out in the documentation.

8. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. All relevant conditions were already contained within the licence. There had been previous reviews and warnings and all appropriate action had been taken. The premises had consistently failed to meet the conditions of the licence. The position of the licence holder had been made clear on previous occasions.

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.

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

2. The Licensing Sub-Committee RESOLVED that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:
 - To revoke the licence.
3. The Chairman made the following statement:

“Having considered the written and oral submissions from all parties, the Licensing Sub-Committee had determined that revocation is the appropriate step to support the promotion of the licensing objectives.

Home Office Guidance (Sections 11.27 and 11.28) suggests that the use of premises for the sale of smuggled tobacco and alcohol is a particularly serious offence. The Licensing Sub-Committee thinks likewise.

The guidance further states that revocation may even be considered in the first instance of any such use. We have heard that there have been three such episodes in the past 13 months. The premises also has a continuing history of failure to comply with the conditions of the licence voluntarily added to it.

The Licensing Sub-Committee has heard from the licence holder’s representative that until today, the Premises Licence Holder had not understood the seriousness of his actions in repeatedly selling non-duty paid goods, and failing to comply with conditions over an extended period of time; which includes a previous review of the licence in 2010 relating to the underage sale of alcohol, and more recently the sale of tobacco to an underage person.

On each of these occasions, the Premises Licence Holder was legally represented. However, he has either wilfully chosen to misunderstand the advice; or is genuinely ignorant of his responsibilities as a licence holder.

This gives the Licensing Sub-Committee no confidence in Mr Koca’s ability to run a licensed premises lawfully, and therefore sadly the Licensing Sub-Committee must agree with the applicant’s assertion that there is no alternative appropriate course of action for the promotion of the licensing objectives other than to revoke the licence.

The Licensing Sub-Committee is aware that there is a pending court case for the sale of counterfeit goods. However, even if this was not so, our decision today would be the same”.

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CLUB 303, 1 JUTE LANE, ENFIELD, EN3 (REPORT NO.201)

RECEIVED a review of the Premises Licence following a closure order for the premises known as and situated at Club 303, 1 Jute Lane, Enfield, EN3.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The Council had received, the previous day, an application to change the premises licence holder from Mr Islamoglu to Vanessa Short.
 - b. That the premises had been subject to a closure order issued by the Metropolitan Police Service and upheld by the Magistrates Court. The Licensing Sub-Committee now had to hold a hearing to consider the closure order, the court order and any relevant representations. Oral representations would be presented to the Sub-Committee.

2. The opening statement of Mr R. Clark legal representative on behalf of the Metropolitan Police Service, including the following points:
 - a. That the incident in question had taken place on 1 February 2014. Attention was drawn to the witness statement of PC Martyn Fisher, Licensing Enforcement Officer for Enfield Borough Police, as set out in the documentation. The details of the incident were set out in full to those present including: the police had been called by a customer; a large number of police had been assigned to the incident; the incident had occurred 2 hours after the closing time of the premises and 2.5 hours after the sale of alcohol should have ceased; only 6 cameras out of 18 had been working and none had been recording so no CCTV footage was available; approximately 20-30 people had been involved; there had been no calls to the police or ambulance service from the Club management; the door staff had not taken an active role in resolving the issue. The police had been forced to employ a tazer to settle the incident. There had appeared to be 2 incidents with the second arising from the arrest of a male on the premises. There had been failings by the Club management to allow customers to remain on the premises 2 hours after the closure time.
 - b. Attention was drawn to the detail contained within the police incident printout sheets contained within the written documentation.
 - c. The Metropolitan Police Service were not seeking a revocation of the licence but were seeking restricted hours to 23.00 hours and if this was not agreed then a number of changes to the licence conditions were being sought.
 - d. In summary the Metropolitan Police were concerned at the Management failings at the premises; the lack of CCTV footage; the hours of operation; the lack of control of the door staff and other premises staff;

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out-of-hours noise disturbance; and, that the premises required drastic remodelling and restriction of hours.

e. PC Martyn Fisher added that a male had been unconscious with a head injury, no ambulance had been called by the Club which was of grave concern. The male later disappeared. Officers had employed 2 tazers to control the situation. Urgent Police assistance had been required. Following the initial entry of the first police officers, the Club doors had been closed and subsequent police attending had to ask for entry.

3. The following comments and questions arose:
 - a. The Police representative stated that it was common practice to seek a change to the premises licence holder when such a review was sought. He was concerned that Mr Islamoglu would still remain on the premises and that the operation would continue unchanged under Vanessa Short who had previously been a premises licence holder at the Club but had resigned under the previous ownership.
 - b. Councillor Levy drew attention to the police statements in respect of a female member of staff being unco-operative and the door security issues which had been highlighted.
 - c. In seeking clarification it was confirmed that the Police were not seeking a suspension of the licence but a restriction of hours to 23.00 hours or a series of conditions. The conditions sought had been discussed with the Club's legal representative and were provided to the Council's legal representative for consideration by the Sub-Committee.
4. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The background history to the premises and the complaint history of the premises since the licence had last been transferred covering 22 December 2013 to 17 January 2014 including out of hours noise complaints and customers entering the Club after designated entry hours. The incident in question was a breach of the licensing hours and the lack of CCTV footage was also a breach of conditions.
 - b. The Premises Licence Holder should have control over activities at the premises and ensure that they cease on time. The designated Premises Licence Holder should be removed from the licence.
 - c. The Licensing Authority supported the reduction of licensed hours requested by the Police and the amendments sought to the licence conditions.
5. As a point of clarification, Mark Galvayne, Principal Licensing Officer, stated that the request to transfer the premises licence to Vanessa Short was subject to a 14 day consultation period with the Police and was subject to any representations received.
6. The opening statement of the legal representative of Club 303, Mr D. Jenson, including the following points:

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- a. The seriousness of the incident on 1 February 2014 was acknowledged. A large group of men had congregated inside the premises but had entered in small numbers which had suggested a degree of pre-planning. The Club had begun its closing down procedure but it had become clear that the group were not intent on compliance. Mr Islamoglu had taken the decision that it would be better to allow the group to remain inside the premises and dissipate naturally and so avoid confrontation. It was recognised that this had been a breach of the licence conditions. It was stated that the arrival of the police had caused the confrontation. He rejected the submission that it had been a failure of management at the Club. It had been an intolerable situation that was actively managed.
 - b. The first police that had arrived had asked for the doors of the premises to be closed.
 - c. The police had arrested 2 individuals for unrelated matters. No other individuals had been detained.
 - d. The injured individual seen on the floor had been put in the recovery position and had not judged to be unconscious.
 - e. It was not accepted that there had been a lack of co-operation by the door staff. They were employed on contract.
 - f. This was a single isolated incident.
7. The following questions and comments arose:
- a. Councillor Pearce questioned the size of the group of men involved in the incident and the numbers that could be accommodated at the Club. Concern was expressed that the Police had not been called earlier by a member of staff.
 - b. In response to a statement which had been made, Councillors stated that the Club should be in control of the security staff at the premises and noted with concern that a female member of staff had been seen to be obstructive.
 - c. The Club's legal representative reiterated the actions of Mr Islamoglu to contain the situation in the Club and not call the police. He accepted that a breach of the licence conditions had occurred by allowing customers to stay on the premises beyond the agreed opening hours. It was also stated that only 6-8 customers were left on the premises when the police arrived with the remaining individuals being members of staff. Mr Islamoglu had not thought it necessary to call the police.
 - d. It was noted that the Club used a "clicker" on the door to count customers in and out.
 - e. In response to a question raised by Councillor Cicek, it was noted that the customers in question had not been regulars at the Club and were from "out of town".
 - f. Mr Islamoglu did not agree that customers had been allowed late entry as referred to in the Licensing Authority's oral representations.
 - g. The lack of CCTV footage was raised and the issue of only 6 cameras having been switched on but not recording. The Club's representatives confirmed that there were now 15 cameras operational on the premises.

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h. Councillor Levy summarised that the premises were currently closed and that the Police were seeking a reduction in licence hours or additional conditions on the licence in the light of this incident and the history of the premises.

i. The Club's legal representative accepted that the incident had been a serious one and that the terms of the licence had been breached. However, the Premises Licence Holder was now being changed; approved security staff were in place; the CCTV system was now fully operational; and, it was proposed to introduce a Club ID scan system. He went on to state the importance of retaining the current opening hours at the premises in order to compete with other similar venues. The Club had received significant investment and currently employed 20 people. He stated that this had been an isolated incident which was not indicative of the Club's normal clientele. It was noted that an enclosed area at the back of the premises was a designated smoking area.

j. Councillor Levy questioned what action would be taken by the Club in the event of such an incident happening in the future. He was reassured that the police would be called and a breach of the licensing hours would not occur.

k. The legal representative of the Police questioned the statement by the Club that only 6-8 customers had been present when the police had been called. This did not agree with the statements of the police and the telephone call which had been made by a customer, the written documentation was referred to. In addition, he reiterated that the required CCTV footage had not been provided and had not been fully working; a breach of the licence condition.

l. In response to concerns raised Mr Islamoglu stated that he would not be involved in the management of the premises in the future. He confirmed that the noise levels at the Club were regularly monitored and that £60k had been invested in sound proofing the premises.

m. The issues raised by Charlotte Palmer, Licensing Enforcement Officer, in supporting the use of a Club ID scan and the use of polycarbonate containers. She reiterated her concern that the Club had not called the police and had allowed the group to remain inside the premises 2 hours after closing time.

n. Mr Islamoglu stated that no alcohol had been sold after hours and the drinks observed by Police had not been alcoholic.

8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. The transfer of the premises licence was subject to a 2 week consultation period with the Police.
 - b. The Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of licensing objectives.
9. The closing statement of Mr R. Clark legal representative on behalf of the Metropolitan Police Service, including the following points:

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a. The hearing had been asked to believe that no fight had occurred prior to the Police arriving and the number of customers involved was disputed. The management had not demonstrated their control of the customers and were not seen as fit to run the Club under the current conditions. There had been a failure to recognise the issues involved and a relaxed approach had been taken to the breach of licensing conditions. If CCTV footage was available then it should have been provided for the hearing today. The Police requested a restriction in hours to 23.00 hours, the additional conditions as previously provided and the removal of Mr Islamoglu as the Premises Licence holder and in the involvement of the future management of the Club.

10. The closing statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. Support was expressed for the issues raised by the Police and the request for modified hours and conditions. The previous licence transfer had only taken place 2 months previously.
11. The closing statement of the legal representative of Club 303, Mr D. Jenson, including the following points:
 - a. That this had been a single isolated incident and did not follow a pattern of behaviour at the premises. The suspension of the licence was causing financial hardship for the premises. There was no failure by Mr Islamoglu to recognise the issues raised. A reduction in hours to 23.00 hours would in effect be a revocation of the premises licence.

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 Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

2. The Licensing Sub-Committee RESOLVED that it considered the steps listed below to be appropriate for the promotion of the licensing objectives:
 - To modify the conditions of the licence
 - To remove the designated premises supervisor
3. The Chairman made the following statement:

“The Licensing Sub-Committee agreed to modify the conditions of the licence thus:

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Re-word condition 21 as follows:

All drinks shall be decanted into polycarbonate containers when sold or supplied with the exception of champagne which may be supplied in glass bottles, but only in the VIP area.

Amend condition 30 as follows:

A minimum of eight door supervisors shall be employed on the premises from the commencement of regulated entertainment until closing.

Insert Condition 47 as follows:

A Club ID Scan or suitable equivalent to be fitted and utilised as a condition of entry for all customers.

Insert Condition 48 as follows:

Patrons must provide photographic identification as a condition of entry, and the documentation to be scanned and held on the Club's system.

Insert Condition 49 as follows:

Mr Aydemir Islamoglu may not be involved in any way in the operation and/or management of the club premises currently called Club 303.

The actual full decision notice would be issued by the end of the week (Friday 21 February 2014). However, the Licensing Sub-Committee wishes to make it clear that it does not expect licensing enforcement to allow any period of grace for the premises to be open and not be fully compliant with all conditions of the licence, including the modifications imposed today."

The text of the full Chairman's statement is detailed below:

"In reviewing the licence of Club 303 and despite the absence of an application as such, the Licensing Sub-Committee fully acknowledged the seriousness and gravity of the incident which occurred in the premises early in the morning of 1 February 2014.

But given that the closure order made by the Metropolitan Police Service had been upheld by the Magistrates Court, with no stated constraints as to the extent of its order, the case was considered in the same manner as though a full review were being sought and for the Licensing Authority to determine.

Having established from the outset that the position of the Metropolitan Police Service was to seek reduced hours, modified conditions of the licence and removal of the designated premises supervisor, our deliberations concentrated on these points only, noting that it was not

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the intention to seek either revocation or a suspension of the licence beyond the time limit of the current closure order.

The Licensing Sub-Committee concluded that the Metropolitan Police Service made its case in respect of conditions and significant changes to the operational management of Club 303 and, that such steps were themselves appropriate for the promotion of the licensing objectives. However, it was not persuaded that reducing the terminal hours to 23.00 as proposed, or even reducing them by any extent, was appropriate.

Indeed, the Licensing Sub-Committee believed that reducing the hours as sought for a premises operating as a night club would be tantamount to revocation, an action even the Metropolitan Police Service was not seeking; and a point made by the representative for the Premises Licence Holder in his representation at the hearing.

The incident that led to the hearing today was undoubtedly of a serious and violent nature, and was occasioned by a significant amount of alcohol having been consumed in the premises in the hours leading up to the incident. But it was the firm view that the incident may not even have occurred if certain fundamental management practices for a business such as this had been in place, and had the premises licence holder and designated premises supervisor at the time of the incident taken different action on this day, and exerted better control of staff working at the premises, be they employees or contracted security staff.

We heard that Club 303 did not have a defined entry policy or membership system, and that the large group of males involved in the violence arrived in dribs and drabs early in the evening, such that door entry staff had no obvious reason to be concerned. Improving new conditions 47 and 48 with regard to an ID scan system and retaining membership records addresses this matter.

The Licensing Sub-Committee also heard evidence from the Metropolitan Police Service regarding both the limitation and effectiveness of the CCTV system, and that the licence holder, despite repeated requests since 1 February, was still not yet furnished with copies of the CCTV tapes or his account of events of that night/early morning such that the evidence could be refuted to any degree. These were taken to be breaches of existing conditions.

At the hearing, the licence holder told us that the tapes would be blank anyway because of a system failure, which itself was a matter of concern, and an admitted breach of the same series of conditions.

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But above all, the Licensing Sub-Committee was most concerned by the decision taken by the licence holder, repeated several times during the hearing, to unilaterally and blatantly flout the condition of terminal hours, by containing a large group of people inside the premises for a full two and a half hours after they were required to close, and before the specific incident took place. And at no time between 03:00 and the incident did the Premises Licence Holder or any staff member even think to call the police.

Evidence from the police that alcohol was seen to be supplied after 03:00 was not refuted to any level of satisfaction; and we were perturbed from the evidence of abuse to the police by one particular female staff member, which was similarly refuted dismissively and without any real concern, as if the behaviour of staff and the tolerance of excessive behaviour by patrons having been served drinks on these premises, were not his responsibility.

The Licensing Sub-Committee was strongly persuaded by the case made by the Metropolitan Police Service, and supported by Trading Standards, that Mr Aydogan Islamoglu should not be concerned or involved in the management and/or operation of the licence, or in the business in any way. It decided that beyond simple removal of Mr Islamoglu as the designated premises supervisor, it would be appropriate to reinforce this point by imposing a condition on the licence to the same effect – a condition that now needs to be adhered to by the deemed new premises licence holder and designated premises supervisor, Ms Vanessa Short, whose applications were received at 4.00pm on Tuesday 18 February 2014.

The Licensing Sub-Committee did consider the possibility of amending condition 46 in terms of bringing the last entry time back from 01:00, but having decided that it was not minded to amend the terminal hour to 23:00, that to adjust the last entry/re-entry time, would not be appropriate, in anticipation that a change of management will bring a change of attitude to better prevent recurrence of serious incidents.

Believing that increasing door supervisors from six to eight (modified condition 30) to be an unarguably fundamental change to enhance the prevention of crime and disorder, final deliberation was given to the proposal to amend condition 21 to embrace the fact that all drinks shall be decanted into polycarbonate containers when sold or supplied.

Whilst the panel noted the reasons for this request from the Metropolitan Police Service, we did also acknowledge the fact that Club 303 is a nightclub, and has a VIP area, in which the expectations of customers is of a higher level, and that champagne bottles that were not made of glass would be unacceptable. So in imposing the reworded

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condition 21 as sought, we also extended that condition to make an exception for the VIP area.

In conclusion, given the intention for Club 303 to seek a new Premises Licence Holder and Designated Premises Supervisor, also its stated intention to implement a Club Scan system, and to change its security provision, and given the verbal commitment by Mr Islamoglu to walk away unconditionally from Club 303, the Licensing Sub-Committee decided that to impose conditions to all these effects, as well as formally removing the current Designated Premises Supervisor from the licence, would be the appropriate actions to take for the promotion of licensing conditions.”

Councillor Cicek left the hearing at this point due to ill-health and was replaced by Councillor Constantinides for the following item on Maze Inn, 7 Chase Side, Southgate, N14.

776

MAZE INN, 7 CHASE SIDE, SOUTHGATE, N14

RECEIVED review of Premises Licence following closure order for the premises known as and situated at Maze Inn, 7 Chase Side, Southgate, N14.

NOTED

1. The opening statement of Mark Galvayne, Principal Licensing Officer, including the following points:
 - a. That the premises had been subject to a closure order issued by the Metropolitan Police Service and upheld by the Magistrates Court. The Licensing Sub-Committee now had to hold a hearing to consider the closure order, the court order and any relevant representations. Oral representations would be presented to the Sub-Committee.
 - b. Prior to this review hearing limited agreement had been reached between the Police and the premises as follows:
 - Agreement to a modified condition 18
 - Agreement to a modified condition 20
 - The Police had requested an amendment to condition 25 – not agreed
 - The Police had requested a new condition 31 – not agreed
 - c. The Licensing Sub-Committee was therefore asked to consider these outstanding issues.
 - d. In response to issues raised by a representative of the operator at the premises it was noted that a written representation had been received but that it could not be considered today. An oral representation could be heard today.
2. The opening statement of Mr R. Clark, legal representative on behalf of the Metropolitan Police Service, including the following points:

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- a. Attention was drawn to page 225 of the documentation setting out the revised conditions sought by the Police:
Condition 18 revised with the word “immediately” inserted – this had been agreed.
Condition 20 revised to include days of regulated entertainment and to increase the number of door supervisors to 4 on these days after 22.30 hours – this had been agreed
Condition 25 – revised wording was being sought to change the no new entry time to after midnight on Friday and Saturday or any day when regulated entertainment takes place after 21.00 hours - not agreed.
An additional condition that all drinks shall be decanted into polycarbonate containers when sold or supplied – not agreed.
 - b. The reasons for the current closure were highlighted and attention drawn to the police documentation as previously circulated. The incident had given grounds for concern. It was recognised that the premises did not have a history of such incidents or bad management. The requested conditions were felt to be necessary for greater control and safety at the premises.
 - c. A doorman at the premises had witnessed that a glass had been used in the attack but this was disputed by the premises management.
3. Questions were invited in the light of the opening statements and the following points arose:
 - a. Councillors questioned how the use of polycarbonate containers would work in practice if implemented after a specified time. The public safety issues raised were acknowledged. It was noted that such a condition would require the premises to re-educate its customers.
 4. The opening statement of Charlotte Palmer, Licensing Enforcement Officer, on behalf of the Licensing Authority, including the following points:
 - a. The Licensing Authority supported the modified conditions sought by the Police. There would be greater control if the no new entry time was brought back to midnight; and, this had been a violent incident so the use of polycarbonate containers in the future was supported.
 5. The opening statement of Mr P. Warne, legal representative on behalf of Punch Taverns, including the following points:
 - a. There should not be an assumption that such incidents would occur in the future. The doorman was the only person who had thought that a glass had been used in the incident. The other staff who had been interviewed and the victims themselves did not believe that they had been attacked with a glass. The witness statement should not be relied upon as fact. There was not a pattern or history of such incidents at the premises. It was felt that the remaining conditions re the last entry time and use of polycarbonate containers would be detrimental to the future commercial operation of the premises. It was a well-managed premises.
 6. The following questions and comments arose:

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- a. Councillor Levy stated that the Licensing Sub-Committee had to review the licensing objectives including the prevention of crime and disorder and, public safety.
7. The representations of Mr Sutherland who was a representative of the operator of Maze Inn, the following points arose:
- a. The victims of the incident had since come to the premises and met with the Director to give statements on the incident. In summary they did not have any issues with Maze Inn and would continue to visit the premises.
 - b. The comments of the door supervisor were not supported.
 - c. The operation of the premises had been taken over by Mr Blackwood in approximately 2006. It was operated as a premium premises.
 - d. Concern was expressed at the requested condition of polycarbonate containers and the detrimental effect that this would have. For example, customers expected bottles of wine and champagne.
 - e. The request to have no new entry after midnight would also be detrimental. It was stated that approximately 100 – 150 new customers arrived between midnight and 1.00am.
 - f. He stated that the premises were considering upgrading its CCTV system and also looking at the potential use of a Club ID scan facility.
8. The closing statement of Mark Galvayne, Principal Licensing Officer, including the following points:
- a. Whilst there had been agreement between the 2 parties on conditions 18 and 20, the Licensing Sub-Committee would still need to agree the amended conditions to have effect.
9. The closing statement of Mr R. Clark, legal representative on behalf of the Metropolitan Police Service, including the following points:
- a. The Police were not looking to punish the premises but to seek appropriate conditions for public safety. A number of premises nationwide had changed to the use of polycarbonate containers.
 - b. The doorman's statement in dispute had not been retracted.
 - c. The requested last entry time would be good management practice and customers could be re-educated to the new times.
10. The closing statement of Mr P. Warne, legal representative on behalf of Punch Taverns, including the following points:
- a. The law did not demand the use of polycarbonate containers and the conditions should be proportionate. He referred to the relevant guidance paragraphs.
11. The closing statement of Mr Sutherland, representative of the operator of Maze Inn, the following points arose:
- a. The outstanding conditions were not proportionate to the isolated incident which had taken place. Improvements were proposed to the

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CCTV system and the use of a customer ID system. The modification to condition 25 and new condition 31 were not proportionate to the event.

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 Licensing Sub-Committee retired, with the legal representative and committee administrator, to consider the application further and then the meeting reconvened in public.

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

- To modify the conditions of the licence, as set out below and in the minutes above:
- Condition 18 revised with the word “immediately” inserted:

All instances of crime and disorder shall be reported immediately to the police and be kept in an incident logbook.

- Condition 20 revised to include days of regulated entertainment and to increase the number of door supervisors to 4 on these days after 22.30 hours:

A minimum of three door supervisors shall be employed on the premises on Friday and Saturday from 21:00 hours until the premises is closed, and from 21.00 hours on any day when regulated entertainment takes place after 21.00 hours increasing to a minimum of 4 after 22.30 hours on those days.

3. The Chairman’s statement is set out below:

“In reviewing the licence of Maze Inn, we acknowledge the seriousness of the event which occurred at the premises in the early hours of 9 February 2014, leading to the closure order made by the Metropolitan Police Service and upheld by the Magistrates Court, pending compliance with conditions.

The Licensing Sub-Committee was pleased to learn from the outset of the hearing that agreement had been reached between all parties with regard to amending conditions 18 and 20, which enabled us to consider only two matters of contention.

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Having listened carefully to oral representations from the Metropolitan Police Service, the licence holder and the operator of the Maze Inn with regard proposals from the Metropolitan Police Service to change the last entry time from 01:00 to midnight (amending condition 25), and for a new condition requiring all drinks supplied to be decanted into polycarbonate containers, the Licensing Sub-Committee believed the arguments propounded from each party to be finely balanced.

Given that there was no suggestion of generic or systemic management failure at the premises, or a negative track record; and given that there was an agreement on strengthening two conditions – especially by inserting “immediately” into condition 18, being particularly reactive to the incident that led to this hearing – the view of the Licensing Sub-Committee was that modifying the licence through changing these two conditions (18 and 20) alone would be an appropriate response to the undeniably serious incident that provided grounds for concern regarding the licence.

Therefore, in determining the case, the Licensing Sub-Committee was satisfied that modifying the conditions of the Licence, limiting the changes to just the two conditions as agreed ahead of the hearing, was the appropriate step required for the effective promotion of the licensing objectives.”

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MINUTES OF PREVIOUS MEETINGS HELD ON 20 NOVEMBER 2013 AND 15 JANUARY 2014

RECEIVED the minutes of the meetings held on 20 November 2013 and 15 January 2014.

AGREED that the minutes of the meetings held on 20 November 2013 and 15 January 2014 be confirmed and signed as a correct record.