



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: Kanatci
500-504 Hertford Road
Enfield
EN3 5S

Type of Application: Review

Detailed below is additional information from the Licensing Authority supporting the review to revoke this premises licence.

10.11.16 - Email sent to Premises Licence Holder in relation to the annual fee which had not been paid meaning the licence was suspended. No response received. **Appendix CP1.**

11.11.16 – The Out of Hours Licensing Enforcement Team (EVG/VPK/KS) visited the premises, it was closed.

02.12.16 – Police Licensing Officer (KS) visited the premises and advised the Licensing Team that there is a new owner - Mustafa Arslan who bought the premises 2 weeks ago and opened 2 days ago.

09.12.16 – Senior Licensing Enforcement Officer (CPX) phoned Mr Arslan to discuss annual fee, transfer, vary DPS - no answer and no voicemail.

12.12.16 – Annual Fee Paid

13.12.16 – Senior Licensing Enforcement Officer (CPX) phoned Mr Arslan regarding transfer and vary DPS - no answer and no voicemail. Advice email sent. No response received. **Appendix CP1.**

27.12.16 – 20.26 - Complaint received from local resident advising that they had been disturbed by loud music coming from the premises, with 30 – 40 customers dancing and singing outside the restaurant, banging on drums and other musical instruments. The police were called - Police CAD No 5895.

20.01.17 – 19:20 – 19:28 - The Out of Hours Licensing Enforcement Team (CPX/VPK) visited the premises to see the new owner and to advise that transfer and vary DPS applications were still needed. Owner not there - inspection report left requesting owner contact CPX. **Appendix CP2.**

24.01.17 – 14:00 - 14:30 - Senior Licensing Enforcement Officer (CPX) and Police Licensing Officer (KS) visited the premises as no contact from owner. Transfer and vary DPS applications still required. The Manager was not on site when the officers arrived. Officers looked around the restaurant and major concerns were raised about public safety. Officers felt there was a real risk of a fire at this premises. The new owner had installed a large charcoal grill in the dining area. This had no cover over it or glass stopping anything landing on it or preventing anyone from touching the hot coals and getting injured. It was close to seating and the floor right in front of it was damaged with flooring appearing to be staple gunned down and the planks of wood curling up - a trip hazard in front of naked flames. There was a large extractor system which had been attached to the ceiling above the grill which officers felt might require planning permission. This structure was not shown on the plan attached to the premises licence. Access to a door towards the back of the premises signposted as a fire escape had been blocked by a raised stage with three chairs, a music stand and a microphone stand on it. There was also a large wall mounted speaker which people would hit their head on if they tried to use this fire escape. **See Appendix CP3 i-xiv for photographs.** These concerns were pointed out to the owner when he arrived and he was advised that the officers would speak to colleagues in the relevant departments/organisations so they could visit and advise him further. He was advised to unblock the fire escape straight away and that he should not be using the grill until it was safe. He claimed to have ordered some glass for the grill so knew it was not safe but it was still being used at the time of the visit as red hot coals were seen. He was aggressive, shouting and accusing officers of trying to ruin his business. He took numerous phone calls whilst officers tried to explain that he needed to transfer the licence, vary the DPS and tried to carry out a licence inspection. He claimed that he was talking to the Council Officer's boss, 'someone right and the top of the council' and that he (whoever he was) would be speaking to the officer. He said this as if it was a threat in what appeared to be an attempt to scare the Officer. He shouted and swore about a local resident claiming that they were always trying to close down the business and did not seem to accept that there are some big safety issues. The Police Licensing Officer (KS) advised him that this was the fourth time officers had contacted him and he'd taken no action regarding the transfer and vary DPS. The Officers attempted to carry out the licence inspection but didn't get to finish the inspection (CCTV condition not checked) as Mr Arslan became even more aggressive and came round to their side of the counter shouting and swearing at them so they left. He refused to sign the inspection report. The following conditions were not being complied with: Condition 8 - No personal licence holder on site, Condition 9 and 10 - No training records, Condition 11 - No Think 25 poster displayed, Condition 12 - No refusals book, Condition 15 - No sound checks being carried out/documented. **See Appendix CP4.**

Following the visit the officer concerns were raised with Fire Officers, Planning Enforcement, Environmental Health and the Food Team.

26.01.17 - Email to owner attaching posters, training records etc. **Appendix CP5.**

15.02.17 – Licensing Team received a copy of an Enforcement Notice served on the premises by a Fire Officer. **Appendix CP6.** The Enforcement Notice refers to a company called Topsan. A copy of a Company House check can be found as **Appendix CP7.**

20.02.17 – Complaint received from local resident alleging that loud live music from the premises had prevented them from being able to sleep and that the singing went on until after 00:30 (licence only permits live music until 23:00) and that they carried on with the shutters pulled down. The complainant stated that this also happened on Tuesday 14th February when people were coming out of the premises at 3am.

Transfer and vary DPS applications submitted

22.02.17 – Further information received from complainant alleging that people were still inside the premises at 4am that morning with the shutters pulled down, the lights outside were turned off and loud music was audible.

24.02.17 - 00:22 – Out of Hours Licensing Enforcement Officers (VPK/KS) drove past the premises. They could see people standing up at microphones but could not hear any music. Drove by at 00:30, shutters down, could see people inside - lights dim - had to abandon observations as witnessed a three car accident.

27.02.17 – 10:30 - Mr Arslan attended the civic centre to meet with Police Licensing Officer (MFX) and Senior Licensing Enforcement Officer (CPX) in relation to the pending transfer and vary DPS applications and the breach of licence conditions. He had been asked by the police to bring in evidence of compliance with the licence conditions and CCTV footage following the recent allegations of trading after hours. Mr Arslan said that the CCTV had not been working and that he had not realised. He took over the premises 3 months ago and had not checked it. Since he got attacked he has had it fixed. He said all staff know how to use it and that it was fixed 3 days before the meeting so should have been working at the weekend. Mr Arslan said he was not at the premises at the weekend as he was in hospital - MFX requested copies of footage from Friday night. Both officers reiterated that the times and conditions of the licence must be complied with. Mr Arslan was aggressive and argumentative and at one point wanted to start recording the conversation as he didn't like what the officers were telling him. He said that business was not good and that a local resident had said that they would get the place closed down. Officers advised that if the conditions and times were complied with he would have nothing to worry about but that if he didn't comply then the licence could be reviewed and he could be prosecuted. He did not accept that he should not be doing anything licensable unless he was complying with all the conditions. The officers advised him that a minor variation needed to be submitted in relation to the new cooking area in the restaurant. Mr Arslan claimed that he did not receive the previous email from the Officer (CPX) but said that he did have the Think 25 poster up now. The officer advised that they had sent it but would send it again. The officer (CPX) advised Mr Arslan that they were under no legal obligation to provide him with the documents and that it was his responsibility to ensure the conditions were complied with. The Officer (CPX) advised that they had sent them to him to try and help him despite as he put it 'kicking' the officers out of the premises last time. Mr Arslan kept saying that the Officers had to give him time to comply and that they were 'getting at him'. He didn't accept that he'd already had three months and should have ensured they were complied with before using the licence. The Officer (CPX) agreed to send him the link to the minor variation application form. Mr Arslan is not a personal licence holder and claimed not to have any ID on him. He has a DPS but when asked did not know the DPS's his surname. He said that he has too many staff to know their surnames - he said he has 6 staff at this premises and other staff at other premises. He did not bring in any evidence to prove compliance with conditions and claimed that he had not received the email asking him to attend today yet had turned up to the meeting. At the end of the meeting Mr Arslan asked what it was he needed to sign to get the licence. The Officer (CPX) advised him that he was not there to sign anything but to speak to the Police Licensing Officer who would decide whether the licence should be transferred to him. At this point he calmed down and at the end of the meeting shook hands with both officers.

Email resent to Mr Arslan with posters, training records etc. **Appendix CP8.**

Second email sent to Mr Arslan with link to minor variation application form. **Appendix CP9**. To date the plan attached to the licence does not match the actual layout - new cooking area not shown.

Summary

I wish to make representation on the following licensing objectives:

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

Mr Arslan has been un-co-operative, aggressive and threatening towards officers on more than one occasion and has failed to understand or accept the seriousness of breaching the licence conditions. Had the CCTV been working then police could have used this evidence to assist them in catching the those who attacked him. He has been trading at the premises for at least 3 months yet still claimed he should be given more time to comply with the conditions. The way he has run the premises has led to nuisance complaints from local residents in relation to loud music and allegations of trading after hours. His presence has attracted crime and disorder to the area in the form of the known gang members committing a serious assault and guns and knives allegedly being seen. This premises is not a safe environment for member of the public particularly children, nor is it a safe environment for his staff, local residents or officers visiting the premises. The Licensing Authority feels that all 4 of the licensing objectives have been seriously undermined since Mr Arslan started running the business and therefore feels that for the sake of the community the appropriate course of action is to revoke the licence.

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

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk



Signed:

Date: 20/03/2017