

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: Kosk Restaurant
269 Hertford Road
London
N9 7ES

Type of Application: Variation of a 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 is a variation application for a restaurant to amend the licensed hours as follows:

Activity	Current Hours	Hours Applied
Open	08:00 – 00:00 everyday	07:00 – 05:00 everyday
Alcohol (on and off sales)	12:00 – 23:45 Mon - Sat	No change
Live Music	18:00 – 23:00 Fri - Sun	No change
Recorded Music	08:00 – 23:45 - Everyday	No change
LNR	23:00 – 00:00 - Everyday	23:00 – 05:00 everyday

The application is also to amend the plan attached to the licence. No additional conditions have been added in the operating schedule.

Detailed below is the history of the premises since the last variation was submitted:

01/09/16 – Minor variation granted adding late night refreshment from 23:00 – 00:00. Email sent from Ellie Green (EVG), Principal Licensing Officer to agent advising that the Licensing team had been advised that the plan attached to the licence was not accurate. Also reminded to surrender old premises licence.

15/09/16 – New plan received via email but no application attached.

16/09/16 - 20:35 – Out of Hours Licensing Enforcement Officer (VPK) visited premises to check plan and advised new plan must be submitted and they must find out what type of application was needed to do this. (Overlap with 15/09/16) **See Appendix 1.**

19/09/16 – Email to agent (from EVG) advising variation application required to update plans.

30/09/16 – 21:35 - The Out of Hours Noise Team received a complaint in relation to the use of a microphone and loud music coming from the garden of the premises. Complainant advised officers that on previous occasion's music continued on until midnight. 21:55 – Officers visited complainant, no music heard initially and then whilst they were at the complainant's doorstep they heard a loud PA system being used and amplified speech. Officers visited restaurant. At rear of building there is a wooden extension, the door was open and speaker could be seen inside. Party/event ongoing. Visited main restaurant area and met duty manager. Walked to rear and advised on complaint and to not use PA system. Manager said it was not normally used and the area was a smoking shelter. Checked Licence Condition 16 states: All doors and windows shall be kept closed but not locked during live and or recorded music.

05/10/16 – Email sent to Premises Licence regarding noise complaint.

14/10/16 - 22:45 - 23:30 – Licensing Enforcement Officer visited premises and carried out a full licence inspection, met with Selen Bag, wife of PLH, Mr Koca, who was also present. Advised that plan still needs to be formally updated. Discussed recent noise complaints and advised of consequences if witnessed again. Reminded of relevant conditions. 5. Music shall not be provided in the outside seating area. 6. The outside seating areas shall not be used after 21:00. Selen Bag's family sitting drinking tea in rear garden at time of visit. Following conditions in breach:
C.2 (2), (11) - CCTV needs to be recorded for 31 days and full head and shoulder shots of entrance required. C. 11 - No think 25 poster displayed. C. 12 - No refusals book. C.13 - Leave quietly signs required at all exits. C.17 - Incident book required - recommended to use diary or refusal book. Inspection report completed, signed and copy issued to Selen Bag. **See Appendix 2.**

17/10/16 – Resources and variation application emailed to Premises Licence Holder (EVG) to assist with compliance.

02/12/16 – 22:00 – PC Karen Staff, Police Licensing Officer visited the premises to discuss the plans. She was advised that they are using an agent to amend the plans and the plans had been sent to the council. Advised that they had not received Think 25 poster or refusals book so have made their own. Advised to move Think 25 from behind bar where it cannot be seen to front of bar where customers can see it.

07/12/16 – Email sent to agent (EVG) chasing up variation to update plans.

16/01/17 - Email sent to agent (CPX) chasing up variation to update plans.

20/01/17 – 22:05 – 22:15 - Licensing Enforcement Officers (CPX/VPK) entered premises and advised owner that accurate plans still need to be formally submitted. Spoke to agent via phone and they agreed to sort ASAP. **See Appendix 3.**

03/02/17 – PC Karen Staff visited premises and advised plan still not formally received.

14/03/17 – Anonymous noise complaint received in relation to loud music coming from the premises everyday.

14/03/17 – Email sent to PLH (CPX) regarding noise complaint and advising still need to submit variation application to update plans.

17/03/17 – Plan received from PLH's wife.

20/03/17 – Email reply sent (CPX) advising plan must be submitted with a variation application. Meeting requested with Officer, later cancelled by PLH's wife who advised she needed more time to submit the application.

31/03/17 – Email sent (CPX) chasing up application.

23/04/17 – Anonymous noise complaint received in relation to noisy entertainment coming from the premises.

23/05/17 - Email sent (CPX) chasing up application.

27/05/17 – 23:20 – Noise complaint received in relation to loud music and people noise. 23:49 – Spoke to complainant who said they could hear a PA system. Agreed to visit. 00:06 – Visited area premises now closed.

30/05/17 – Application submitted.

06/06/17 – Emailed premises to advise of complaint.

14/06/17 – Call from Manager stating no issues on that night – agreed to visit and check CCTV on 16/06/17.

16/06/17 – 22:50 - 23:36 - Licensing Enforcement Officers (CPX/EVG) visited premises and carried out a full licence inspection and checked the CCTV from recent complaint dates. Condition 6 - Outside seating area must not be used after 21:00. There were 12 people out the back when the officers arrived. There were still people outside at 22:00 when the condition was checked and six people were in the back garden at 23:30. When officers left the premises they noted that there were also 6 people sitting outside the front of the premises - two of whom had only just been served hot drinks - staff should have told them they had to go inside before serving them. Advised to tell anyone wanting to use the outside area that they have to go inside at 21:00. Condition 11 - Think 25 poster to be displayed. Condition 9, 10 - Staff training records could not be found - requested these be emailed to officer. Advised to close door to garden area at 21:00 to ensure no one goes out there. Discussed recent noise complaint - microphones are used to sing Happy Birthday to customers and music is turned up for a short time when the cakes are brought out – Officers were told that there can be lots of birthdays in one night - recommend microphones are not used and doors / windows are closed when singing takes place to ensure it is not audible outside. Discussed application to extend hours and why this is required. PLH does not speak much English so his wife answered and advised that they felt it would be good for the Turkish Community and it would increase their profits so it would be good for them too. When asked about the impact on local residents her response was 'that's the only thing'. She made reference to getting door staff and was advised that if they were planning to do this they should consider offering it formally as a condition. She was advised about the Cumulative Impact Policy and that objections would be made to the increase in hours. **See Appendix 4.**

Cumulative Impact Policy (CIP)

This premises is located in one of the Enfield Council's Cumulative Impact Policy Areas.

The CIP came into force in April 2012 and relates to all new and variation applications and states that the core hours granted for this type of premises in this particular location should not exceed the following:

Late night refreshment:
Monday to Sunday 23:00 – 24:00

The hours applied for exceed those of specified in the CIP.

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

Location

This is a large restaurant seating around 150 people. The premises is situated in a mixed commercial and residential area. There are residential properties above the premises and in nearby side streets. The Licensing Authority is concerned that residents could be disturbed by noise from those arriving at and leaving the premises during the early hours of the morning. Ambient noise levels are reduced during the early hours of the morning and if this application were granted it could lead to increased noise and disturbance to the surrounding area and could be detrimental to residents.

As can be seen in the notes above complaints have already been received in relation to noise coming from the premises.

Conclusion

I wish to make representation on the following: **Prevention of Public Nuisance**
Prevention of Crime and Disorder

The noise complaints and licence breaches discovered during the recent licence inspection have led to a lack of confidence in those running the premises. This lack of confidence has also been caused by the fact it has taken almost 9 months of repeated requests to get the new plan submitted via a variation application. The Premises Licence Holder has been far too slow to act despite knowing that it is a legal requirement that the plans be accurate. The Manager knew there was an application pending and that Officers would be visiting that premises on the evening of 16/06/17 yet breaches were still discovered.

This premises is in a CIP area showing that it is already an area with increased crime and disorder. To date, the applicant has not offered any additional licence conditions in the operating schedule.

Given the close proximity to local residents, and in line with the Cumulative Impact Policy, the Licensing Authority objects to any increase in licensed hours and recommends that the only amendment to this licence be to update the plan attached to 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: 21/06/17