

Licensing Enquiry Consultant Report

An investigation into an allegation of un-licensable activity at Indian Fusion (also known as SFC Chicken & Pizza), 252a High Street Enfield, EN3 4HB.

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Report rationale	Page 1
Introduction	Page 1
Investigation	Pages 1 – 2
Additional evidence	Page 3
Conclusion	Page 4
Exhibits	Pages 5-11

Rationale for this report

Joshua Simons & Associates have been instructed by one of its clients (who for the purposes of this report and any future proceedings remains anonymous for fear of reprisals) to conduct an enquiry into allegations that the premises known as SFC Chicken (also known as Indian Fusion) are providing a licensable activity namely the provision of late night refreshment without a premise licence and otherwise than in accordance with provisions of the Licensing Act 2003. This report has sought to gather relevant evidence through desktop research and via a site visit namely a test purchase of hot food from the premises after 23:00.

Introduction

The premise that is being investigated in this report is located at 252a High Street Ponders End Middlesex EN3 4HB named "Indian Fusion" (**PMA1**). It would appear that these premises operate as an Indian restaurant and takeaway. The premises were previously called "New Oriental Fusion as shown on exhibit PMA1. Indian Fusion use the same telephone number as New Oriental Fusion previously did which is 0208 364 7188 as well as a second telephone number 0208 8045433.

An independent licensing consultant Mark Altman was instructed by Joshua Simons & Associates to conduct a site visit and a test purchase of hot food and beverage after 23:00. Mr Altman has been a consultant with Joshua Simons and Associates since March 2015 having retired from the Metropolitan Police Service. Mr Altman was employed as a former Metropolitan Police Senior Licensing Sergeant in charge of a team of licensing officers at Barnet Police Licensing Department for 13 Years.

The Investigation

Our investigator entered the premises known as Indian Fusion at 22:30 hours on Thursday 15 June and observed the following. The restaurant is a long narrow venue with fixed seating on both sides with a central aisle area that leads to the toilets and the kitchen. There are approximately 60 covers and as you enter from the front door there is a small bar area that appeared to be in some state of disrepair. Our investigator observed display of bottles of spirit and wine and some beers.

The investigator observed there were 2 Asian males seated towards the rear of the premises and one of them got up and approached him. Both males were dressed in black trousers and white shirts. The investigator asked the male what time they were open until and said "we close at 11pm". The investigator asked if he could order a takeaway after this and the Asian male replied "no you would need to make a takeaway order before 10:45". The Asian male then gave the investigator a menu (**PMA 2**) and he left the premises.

The investigator then walked to the access road at the side of the premises and noticed several Asian males standing at the end of the service road towards the rear of the premises and decided not to proceed any further on foot.

He then returned to his vehicle and drove into the service road. The 3 males previously seen were no longer there. The investigator noticed that there was an open door on the side of the building to the rear of the Indian restaurant where he could clearly see into a kitchen area. He noticed cooking equipment similar to the ranges found in fish and chip shops, and inside the illuminated glass top sections was a large quantity of what appeared to be fried chicken.

The investigator had to conduct a 3 point turn at the end of the service road, and as he drove by the kitchen he noticed what appeared to be a refrigeration block at the rear, the door to the kitchen was now only

slightly ajar and he couldn't see inside. There were no signs on the wall of the building or the door to indicate that this was the kitchen for the takeaway SFC & Pizza.

It is not clear from the investigators visit if this is a completely separate unit at the rear of the Indian restaurant or if there is some intercommunicating door.

At approximately 23:05 the investigator walked past Indian Fusion and noted that the illuminated signs had been extinguished and no one was inside the premises.

The investigator sat in the adjoining public house, The Goat at 250 High Street where he accessed the Just Eat internet site to place an order at 23:16 for a takeaway meal for delivery to the Goat. The investigator believes that the kitchen he had seen to the rear of this restaurant was the premises that would be supplying the hot food.

The investigator received a confirmation e-mail at 23:18 informing him/her that the order would be delivered at 00:20hrs (**see exhibit PMA 5**).

The investigator then telephoned the number on the receipt order and spoke to a male who had an Indian accent, to explain that the Goat Public house where he had placed the order would be closed by midnight and asked if they could deliver the pizza any sooner. The investigator was told that they would deliver his/her food order in approximately 15 minutes.

At approximately 23:50hrs an Asian male wearing dark trousers and a dark top entered the Goat Public House and spoke with the barman who called out the investigators name. The investigator accepted the delivery from the Asian male and asked if he/her could have a receipt. The delivery person replied "no" your receipt is from Just Eat.

Two photographs of the hot food (pizza) are shown at Exhibits (**PMA 3 & PMA 4**)

After leaving the public house the investigator returned to his/her vehicle and drove into the service road at the side of the premises. As the investigator drove past the partially open kitchen door to the rear of 252a High Road he/she noticed two Asian males dressed in dark clothing in the Kitchen area, and that the ranges were still illuminated and a large quantity of what appeared to be fried chicken was contained within the glass sections. The investigator again conducted a 3 point turn and on exiting the service road saw the same two males appearing to place items of food from the range into what appeared to be cardboard containers.

The investigator was unable to take any photographs as both males looked up towards his/her direction as he/she drove past.

Additional Evidence

It is understood that further to our consultants site visit that a second visit was made by the licensing authority and that there was evidence that late night refreshment was being provided otherwise than in accordance with Section 136 of the Licensing Act 2003.

Conclusion

Our investigator has no doubt that the premises he/she saw at the rear of “Indian Fusion”, 252a High Road Ponders End EN3 4HB is operating as SFC & Pizza. There are no signs to identify the premises and it would seem to operate as a delivery only service, although people may be able to collect items from the kitchen, although the investigator did not observe this taking place. It appears that the premises operate as a delivery service using the “JustEat”, “hungryhouse” and “ordertakeaway” web sites to place orders.

The investigator was unable to verify if SFC & Pizza shared a kitchen or had any intercommunicating doors with Indian Fusion who are also based at the same location and share the footprint of the premises at this location.

It is apparent that SFC & Pizza would require a premises licence to sell hot food after 23:00hrs. If there is no valid licence for these premises then an offence contrary to Section 136 of the Licensing Act 2003 would be committed – unlicensed licensable activity.

Our investigator is prepared to make a full statement of these facts if required to do so, and provide this information of his/her own free will.



PMA2

CHICKEN & LAMB DISHES

CHICKEN / LAMB CURRY Medium	4.50
CHICKEN / LAMB MADRAS Fairly hot	4.75
CHICKEN / LAMB VINDALOO Very hot	4.85
CHICKEN / LAMB BHUNA Slightly dry	4.95
CHICKEN / LAMB DUPIAZA With onions	4.95
CHICKEN / LAMB TIKKA DUPIAZA With onions	5.95
CHICKEN / LAMB ROGAN With tomatoes	4.95
CHICKEN / LAMB KORMA [D][N] Mild	4.95
CHICKEN / LAMB KASHMIR [D] With banana	4.95
CHICKEN / LAMB DANSAK [D] Sweet, sour & hot	4.95
CHICKEN / LAMB SAAG With Spinach	4.95

VEGETABLE SIDE DISHES [V]

SPECIAL KORAI VEGETABLES Main	4.50
SAAG PONIR [D] With spinach & cheddar cheese	2.95
MOTOR PONIR [D] With peas & cheddar cheese	2.95
MIXED VEGETABLES CURRY Sauce / BHAJI Dry	2.50
MUSHROOM BHAJI	2.50
CAULIFLOWER BHAJI	2.50
SAAG BHAJI	2.50
SAAG ALOO OR ALOO GHOBI	2.50
BOMBAY POTATO	2.50
BINDI BHAJI OR BRINJAL BHAJI	2.50
TARKA DHAL With fried garlic	2.50
DHAL MASALA With fresh garlic & onion	2.50
CHANA MASSALA	2.50
METHI BHAJI	2.50
Fenugreek leaves with fresh garlic & onion	
ALOO BENJAN BHAJI Potato & aubergine	2.75
BROCCOLI BHAJI	2.50

SUNDRIES

PLAIN RICE [V]	1.50
PILAU RICE [V]	1.75
SHAHEE PILAU RICE With nuts & raisen	2.95
SPECIAL FRIED RICE [E]	2.95
MUSHROOM PILAU RICE [V]	2.95
VEGETABLE PILAU RICE [V]	2.95
KEEMA PILAU RICE	3.50
ORIENTAL PILAU RICE	3.25
With prawn, peas, carrot, nuts & raisen	

CHINESE STYLE RICE ALL LARGE SIZE

All rice cooked with egg, carrot, peas and onions	
SINGAPORE FRIED RICE	4.95
PRAWN FRIED RICE	4.75
CHICKEN FRIED RICE	4.75
LAMB FRIED RICE	4.75
VEGETABLE FRIED RICE	4.25
EGG FRIED RICE (No veg)	3.95

NAAN & OTHER BREADS

PLAIN NAAN [D][E][V]	1.75
STUFFED NAAN [D][E][V] With vegetables	1.95
BALTI NAAN [D][E][V] With balti paste & vegetables	1.95
KEEMA NAAN [D][E] With minced meat	2.25
PESHWARI NAAN [D][E] Coconut & almond powder	2.25
GARLIC NAAN [D][E][V]	1.95
PARATHA [V]	1.75
STUFFED PARATHA [V] With vegetables	1.95
PLAIN OR SPICY PAPADOM [V]	0.60
CHAPATI [V]	1.00
CHIPS [V]	1.50
MANGO CHUTNEY OR MIX PICKEL Per portion	0.60
ONION SALAD OR MINTS SAUCE Per portion	0.60
GREEN SALAD OR RAITA	1.75

GOURMET DINNER (FOR TWO.....£32.95)

STARTER	
PAPADOMS, TANDOORI KING PRAWN, TANDOORI CHICKEN	
MAIN MEAL	
CHICKEN TIKKA MASSALA, SPECIAL KORAI CHICKEN OR LAMB	
VEGETABLE SIDE DISHES	
CAULIFLOWER BHAJI, SAAG ALOO	
SUNDRIES	
2 SPECIAL FRIED RICE	
BREAD	
STUFFED NAAN	
DRINK	
BOTTLE OF SOFT DRINK	

INDIAN FUSION DINNER (FOR TWO.....£24.95)

STARTER	
PAPADOM, CHICKEN TIKKA, SHEEK KEBAB	
MAIN MEAL	
CHICKEN KORMA, LAMB BHUNA OR DANSAK	
VEGETABLE SIDE DISHES	
BOMBAY POTATO, SAAG BHAJI	
SUNDRIES	
2 PILAU RICE	
BREAD	
NAAN	
DRINK	
BOTTLE OF SOFT DRINK	

£5.00 DISCOUNT VOUCHER*

WHEN YOU SPEND £25.00 OR MORE

(EAT-IN ONLY) (EXCEPT BUFFET & SET MEALS)

*OFFER CANNOT BE USED IN CONJUNCTION WITH ANY OTHER OFFERS

PLEASE MENTION DISCOUNT VOUCHER WHEN ORDERING YOUR MEAL

FREE HOME DELIVERY

(MINIMUM ORDER £10 ONE MILE RADIUS)

(£12 FOR 2 - 3 MILE RADIUS)

DELIVERY TIME 5.30PM - 11.00PM 7 DAYS



INDIAN & BANGLADESHI RESTAURANT & TAKEAWAY

252A HIGH STREET, PONDER'S END, ENFIELD, MIDDLESEX, EN3 4HB

020 8364 7188 OR 020 8804 5433

OPENING HOURS: MONDAY - SATURDAY

5.30PM TILL 11.30PM

SUNDAY 12.30PM TILL 11.30PM

£5.00 OFF FOR ANY ORDER OVER £50 (DELIVERY ONLY)

10% DISCOUNT ON ORDERS OVER £10 ON COLLECTION (EXCEPT SET MEALS) CASH ONLY

FREE PAPADOM ON ORDERS OVER £15 (DELIVERY ONLY)

FREE SOFT DRINK + PAPADOM ON ORDER OVER £25 (DELIVERY ONLY)

SPECIAL SUNDAY BUFFET

(FROM 12.30PM TO 10.00PM)

12 DIFFERENT ITEMS EAT AS MUCH AS YOU LIKE

ONLY £9.95 PP, CHILDREN UNDER EIGHT £4.95

BANQUETING NIGHT

EVERY MONDAY TO THURSDAY

ANY STARTER, ANY MAIN, ANY VEGETABLE SIDE DISH, RICE OR NAAN £8.95 PP

NOTE: 1. WE ACCEPT MAJOR CREDIT AND DEBIT CARDS (£10.00 MINIMUM SPEND), THERE WILL BE A 50p CHARGE ON CARD PAYMENT ON DELIVERY ORDERS 2. WE CATER FOR ALL PARTIES AND OCCASIONS 3. THE MANAGEMENT RESERVES THE RIGHT TO REFUSE SERVICE WITHOUT REASON 4. THE MANAGEMENT RESERVES THE RIGHT TO WITHDRAW ANY OFFER WITHOUT PRIOR NOTICE





PMA4



PMA5

Original Message-----

From: Just Eat <justeat@order.just-eat.co.uk>

To:

Sent: Thu, 15 Jun 2017 23:18

Subject: Your order from SFC & Pizza

[Order App](#)



Thanks for your order thanks for your order

SFC & Pizza has received your order and they'll be delivering it at **00:25** on **16/06/2017**.

[Follow your order](#)

If you made any special requests, make sure they're included below. If they're missing, or there's anything else you want to check, just give **SFC & Pizza** a quick call on [02033023131](tel:02033023131). In case you need it, your order number is **411996930**. If anything comes up, the restaurant will call you.

Need anything else?

Check out our [help and FAQs](#).

How are we doing?

Got a sec? Fill in our super quick survey while you're waiting and help make our service even better.

[Begin survey](#)

Here's what you ordered

Name	No	Price
Diet Coca-Cola : 1.5L	1	£2.99
Dip : <i>Chilli</i>	1	£0.30
Vege One : 09"	1	£6.99
Onions, mixed peppers, mushroom, sweetcorn & tomato + Thin crust	1	£0.00

Subtotal :	£10.28
Card fee :	£0.50
Delivery price :	£1.00

Total : £11.78

You ordered from : SFC & Pizza , 252a High Street, London, En3 4hb.

Your order will be delivered to : Mark, The Goat Pub, 250 Hugh Street, Enfield, En34hb.

P.S. This order has been prepaid by Visa, so it's all ready to go.

Price promise

We guarantee you'll pay the [same price for a delivery meal](#) ordered on Just Eat as you would ordering from the restaurant direct*.