

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: Bluewater Fish & Kebabs
11 Chase Side
London
N14 5BP

Type of Application: New 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:

This is a new application for a takeaway/restaurant to provide licensable activities as detailed below:

Activity	Proposed Times
Opening hours	11:00 - 04:00 Everyday
Late Night Refreshment	23:00 – 04:00 Everyday

Background

27/05/17 – 00:34 – Out of Hours Noise team (PH) received a complaint alleging that the premises opened earlier that week under new management selling late night refreshment without a premises licence. Officers visited the premises which was trading and spoke to Ms Sonmez who claimed they had applied for a licence via their solicitor and that the previous owner use to trade until 00:00 and she intended to trade until 01:00.

06/06/17 – Officer (PH) called Ms Sonmez and advised her that there is no current licence and that no application was pending. Advised she must not sell hot food or hot drink after 23:00. (An application for the premises had been submitted but was returned by the Licensing Team as the wrong application had been submitted. Sent with the returned application were details of what application was required).

17/06/17 - 00:20 - 00:30 - Licensing Enforcement Officers (EVG/CPX) visited the premises to see if it was trading after 23:00. Premises was open and trading, lights on, door open, kebab meat cooking. One male was served whilst Officers were inside the

premises and another entered but Officers advised he could not be served. Owner claimed they had a licence and showed officers the menu which said they opened until midnight - advised they are not licensed yet and cannot hand over any hot food or hot drink after 23:00 until they have a licence permitting them to do so. EVG spoke a female (believed to be owner's wife) on the phone and explained situation to her too. Advised to close now. Agreed to do so. Inspection report completed and copy given to staff. **See Appendix 1.**

24/06/17 – 00:02 – 00:30 - Out of Hours Noise Officer (JI) carried out observations of the premises to see if they were trading after 23:00. On arrival the premises was open, with lights on and staff inside but no customers. At 00:09 a male was seen taking a waste bag onto the street. At 00:10 one customer walked into the premises, the officer walked to the front of the premises and witnessed the customer ordering food and one of the two staff serve him a portion of chips. The customer was seen handing over money and taking the change. The customers walked out eating the chips at 00:11. At 00:14 another male walked in and ordered food, he was given an open bag of chips, he was seen handing over money but the officer could not see if he was given any change. The customer walked out eating from the open bag at 00:15. At 00:20 one female walked into the premise but only talked to staff giving them a piece of paper which the member of staff starting reading. The female walked out without food. The officer left the site at 00:30. The premises was still open, door open, lights on, food on display including doner meat.

26/06/17 – Warning email sent to applicant following trading without a licence. **See Appendix 2.**

30/06/17 - Licensing Enforcement Officers (VPK/CPX) visited the premises to see if it was trading after 23:00. 23:25 - arrived outside the premises which appeared to be open and trading. The door was open the lights were on and doner meat could be seen cooking. One officer (VK) left the vehicle and entered the premises to attempt a late night refreshment test purchase. A portion of chips was sold to him by Mr Coban for £1.50 at 23:30. The officer returned to the vehicle to advise the other officer of the sale and then both officers returned to the premises and issued a Notice of Alleged Offence – **See Appendix 3.** Mr Coban claimed that they had a licence until midnight and that the previous owners of the premises had traded until midnight. He was advised again that the premises did not have a licence and must not sell hot food or hot drink after 23:00. He also claimed that officers had advised him that he could trade until 00:00. He was told that this was not the case and not what had been written on the previous inspection reports that he had signed. His English was not very good so a young girl behind the counter assisted him by writing the word 'Manager' on the Notice Of Alleged Offence' form in the 'Position' Box. The Officers left the premises as one of the staff started to clean up. There was a male and a female sitting in the shop sharing a portion of chips at a table. When the officers left they noticed that the Out of Hours Noise Team (MW) who had also been tasked to carry out observations of the premises were outside. The Officers advised her that an unlicensed sale had just been made. The Licensing Enforcement Officers left the area at approximately 23:55. As they drove past the premises the young female who had helped complete the form was standing at the door watching them leave. The officers felt the premises might ignore the advice and reopen once they had left so decided they would return later on to double check. However at 00:02 the Officers receive a phone call from the Noise Officer, who had remained outside the premises, advising them that the premises was still open and that they had just witnessed a further sale. The Officers asked the Noise Officer to enter the premises to make Mr Coban aware that this further sale had been witnessed. The Noise Officer went into the shop and spoke to Mr Coban and the

young lady who identified herself as his daughter. The Officer asked him he was still serving food after 23:00 despite just being served a Notice of Alleged Offence by the Licensing Enforcement Team. The man replied that it was just one piece of fish and he sold it cheap instead of throwing it away. The Officer advised him to take the remaining meat from the display chiller, turn the light down and closed the door so that potential customers did not come in for food. He did this straight away.

04.07.17 – Letters sent to applicant and seller inviting them in for a PACE Interview under caution on Monday 24th July in relation to the alleged offences.

14.07.17 – 23:15 - Licensing Enforcement Officers (EVG/CPX) visited the premises to see if it was trading after 23:00. Parked outside premises as a male entered the premises. Front door in open position and lights on. Doner meat not on display. Male came out of premises with a drink looked out and went back inside. Came back out a minute or so later eating what looked like a sausage. He got into a car that was parked outside and drove away. Moved car forward so could see staff inside. One male cleaning doner meat area. Mr Coban also seen standing behind the counter further up. 23:21 - door still open but light outside door now off. Just about to leave when two females entered the premises and went toward the back of the restaurant. They came out at 23:30 without buying anything - may have just used the bathroom. Door still open at 23:31. Officers left area.

Location

This premises is located on a commercial street, however there are residential properties above some of the shops in the parade and also above the shops opposite. The Licensing Authority is concerned about noise from those arriving at and leaving the premises during the early hours of the morning.

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.

As demonstrated in the CIP this location is already an area of concern in relation to crime and disorder and public nuisance. In these circumstances the onus falls upon the applicant to make the case to demonstrate that there would be no negative impact on the area if the application were to be granted.

I wish to make representation on the following:

- **Protection of Children from harm**
- **Prevention of Nuisance**

- **Prevention of Crime and Disorder**

The recent complaint, observations, repeated alleged illegal trading and ignored warnings has left the Licensing Authority with no confidence in those running this premises.

A prosecution is currently pending in relation to unlicensed late night refreshment. The applicant has left the Licensing Authority with no choice but to object to this application in its entirety.

If the applicant can't comply with Licensing legislation at a time when they are trying to prove that they should be granted a late licence then the Licensing Authority has very little confidence that they will comply with the conditions should any licence be granted.

If the Licensing Sub Committee decides to grant this application in full or part I recommend that the following conditions be attached to the licence in order to fully promote the licensing objectives:

1. All staff shall receive induction and refresher training (at least every three months) relating to the times and conditions of the premises licence.
2. All training relating to the times and conditions of the premises licence shall be documented and records kept at the premises. These records shall be made available to the Police and/or Local Authority upon request and shall be kept for at least one year.
3. Staff shall ensure that the pavement from the building line to the kerb edge immediately outside the premises, including the gutter/channel at its junction with the kerb edge, is kept clean and free from litter at all material times to the satisfaction of the Licensing Authority.
4. Prominent, clear and legible notices shall be displayed at all public exits from the premises requesting customers respect the needs of local residents and leave the premises and area quietly. These notices shall be positioned at eye level and in a location where those leaving the premises can read them.
5. At least two members of staff shall be in the premises at all times that the premises is open for licensable activities.
(offered by applicant)
6. Any children on the premises after 19:30 must be there for the purpose of consuming a substantial table meal and shall be accompanied by an adult.
(offered by applicant)

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

If the conditions were accepted in full I WOULD NOT withdraw my representation.

Duly Authorised: Charlotte Palmer, Licensing Enforcement Officer

Contact: charlotte.palmer@enfield.gov.uk

Signed:

A handwritten signature in cursive script, appearing to read "Palmer".

Date: 20/07/2017