

COMMITTEE :
Licensing Sub-Committee
29 November 2017

REPORT OF :
Principal Licensing Officer

LEGISLATION :
Licensing Act 2003

Agenda – Part1	Item
SUBJECT : Review Application	
PREMISES : Kalamis Fish Restaurant, 112 High Street, ENFIELD, EN3 4ES.	
WARD: Ponders End	

1 LICENSING HISTORY & CURRENT POSITION:

- 1.1 This premises has held a licence since 2005 following an application to convert an existing licence to a Premises Licence, which was not subject to any representations, and was granted by officers in accordance with delegated powers. This premises licence (LN/200501174) was transferred twice, before it was surrendered by the Premises Licence Holder, Mr Homaun Kabir, on 7 September 2015.
- 1.2 On 22 July 2015, a new premises licence (LN/201500377) was issued to Mr Mansur Duzgun as the Premises Licence Holder. Mr Homaun Kabir was named the Designated Premises Supervisor (DPS) at this time, but on 5/7/16 this position was varied naming Mr Sercan Gok. On 18/8/17 a DPS variation was issued naming Mr Deniz Alemdar, who is the current DPS.
- 1.3 On 17 March 2017, a variation application to amend existing conditions, remove conditions and to amend the plan attached to the licence. There were no changes sought to the licensing hours or activities. The application was subject to an objection from the ward councillor, however, the Licensing Sub-Committee granted the application in full at a hearing on 10 May 2017.
- 1.4 A minor variation application to amend the plan was submitted on 26 October 2017, however the Responsible Authorities are not satisfied that the plan is accurate. Ongoing mediation is taking place.
- 1.5 A Temporary Event Notice for 10 to 12 November 2017 from midnight to 2am was submitted by Mr Deniz Alemdar but was subject to objections from the Police and Licensing Authority in light of the ongoing review. Mr Alemdar subsequently withdrew the application.
- 1.6 The premises has not been subject to a review of the licence at any time under the former licence or the current licence.

2 CURRENT POSITION

2.1 Premises Licence LN/201500377 permits:

- 2.1.1 Hours the premises are open to the public: 07:00 to midnight daily.
- 2.1.2 Supply of alcohol (on and off supplies): 12:00 to 23:30 Sunday, 11:00 to midnight Monday to Saturday.
- 2.1.3 Recorded music (indoors and outdoors): 11:00 to midnight daily.
- 2.1.4 Live music (indoors): 16:30 to 22:30 Sunday, 18:00 to midnight Monday to Saturday.
- 2.1.5 Late night refreshment (indoors and outdoors): 23:00 to midnight daily.

2.2 A copy of a location map of the premises is attached as Annex 1.

2.3 A copy of the current Premises Licence is attached as Annex 2.

3 THIS APPLICATION:

3.1 On 6 October 2017 an application was made by the Licensing Authority for the review of Premises Licence LN/201500377.

3.2 The review application relates to the prevention of crime and disorder and public safety licensing objectives and is made because the premises licence holder has repeatedly not met the licence conditions, the plan attached to the licence does not accurately reflect the actual premises layout and the premises does not meet smoke free legislation. As a result, the Licensing Authority lack confidence in the premises licence holder.

3.3 The authority considers that it is now appropriate, for the promotion of the licensing objectives, to revoke the Premises Licence in its entirety.

3.4 The review application was advertised in accordance with the requirements of the Licensing Act 2003.

3.5 Each of the Responsible Authorities were consulted in respect of the application.

3.6 A copy of the review application is attached as Annex 3.

3.7 The Licensing Authority submitted Additional information which is attached as Annex 4.

3.8 The Licensing Authority submitted further Additional Information following the request for information on behalf of the applicant, which is attached as Annex 5.

4 RELEVANT REPRESENTATIONS:

- 4.1 **Responsible Authorities:** The Metropolitan Police have submitted a representation in support of the review application, based on all four of the licensing objectives. The Police representation and Additional Information can be seen attached as Annex 6.
- 3.2 To date, the premises licence holder has not submitted a written response to the review application.

5 PROPOSED LICENCE CONDITIONS:

- 5.1 The conditions sought by the Licensing Authority depending on the outcome, are attached as Annex 7.

6 RELEVANT LAW, GUIDANCE & POLICIES:

- 6.1 The paragraphs below are extracted from either:
 - 6.1.1 the Licensing Act 2003 ('Act'); or
 - 6.1.2 the Guidance issued by the Secretary of State to the Home Office of March 2015 ('Guid'); or
 - 6.1.3 the London Borough of Enfield's Licensing Policy Statement of January 2015 ('Pol').

General Principles:

- 6.2 The Licensing Sub-Committee must carry out its functions with a view to promoting the licensing objectives [Act s.4 (1)].
- 6.3 The licensing objectives are:
 - 6.3.1 the prevention of crime and disorder;
 - 6.3.2 public safety;
 - 6.3.3 the prevention of public nuisance; &
 - 6.3.4 the protection of children from harm [Act s.4 (2)].
- 6.4 In carrying out its functions, the Sub-Committee must also have regard to:
 - 6.4.1 the Council's licensing policy statement; &
 - 6.4.2 guidance issued by the Secretary of State [Act s.4 (3)].

Review:

- 6.5 In reviewing a licence the Licensing Sub-Committee will consider, and take into account, the complaints history of the premises and all other relevant information [Pol s.10.3].

Decision:

- 6.10 Having heard all of the representations (from all parties) the Licensing Sub-Committee must take such steps as it considers appropriate for the promotion of the licensing objectives. The steps are:
- 6.10.1 to modify the conditions of the licence;
 - 6.10.2 to exclude a licensable activity from the scope of the licence;
 - 6.10.3 to remove the designated premises supervisor
 - 6.10.4 to suspend the licence for a period not exceeding three months;
 - 6.10.5 to revoke the licence [Act s.52].
- 6.11 In deciding which of these powers to invoke, the Sub-Committee should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should generally be directed at those causes and should always be no more than an appropriate and proportionate response [Guid s.11.20].

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

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