



NOTICE OF MEETING

Special Licensing Sub Committee

THURSDAY, 1ST DECEMBER, 2011 at 10:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Beacham, Brabazon and Peacock

AGENDA

1. **ELECTION OF CHAIR**
2. **APOLOGIES FOR ABSENCE**
3. **URGENT BUSINESS**

It being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

4. **DECLARATIONS OF INTEREST**

A member with a personal interest in a matter who attends a meeting of the authority at which the matter is considered must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

A member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

5. SUMMARY OF PROCEDURE (PAGES 1 - 2)

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Licensing Act 2003. A copy of the procedure is attached.

6. APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR (PAGES 3 - 70)

To consider an application by the Enforcement Response Team for a review of the premises licence at Grill Kebab House.

Please note that, it being a special meeting of the Sub Committee, under Part Four, Section B, Paragraph 17, of the Council's Constitution, no other business shall be considered at the meeting.

David McNulty
Head of Local Democracy and Member Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

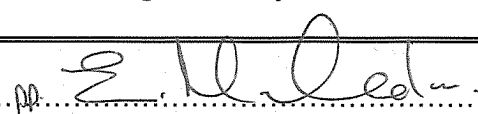
Helen Chapman
Principal Committee Coordinator
(Non Cabinet Committees)
Tel: 020-8489 2615
Fax: 020-8489 5218
Email: helen.chapman@haringey.gov.uk

Wednesday, 23 November 2011

LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
1.	The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
NON-ATTENDANCE BY PARTY OR PARTIES	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
TOPIC HEADINGS	
5.	The Chair suggests the "topic headings" for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
	Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
WITNESSES	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to "cross-examine" the witness. The Chair then decides any such request.
DOCUMENTARY EVIDENCE	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
THE LICENSING OFFICER'S INTRODUCTION		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
THE HEARING		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Objectors' main representative	
(ii)	an introduction by the Applicant or representative	
(iii)	questions put by Members to the Objectors	
(iv)	questions put by Members to the Applicant	
(v)	questions put by the Objectors to the Applicant	
(vi)	questions put by the Applicant to the Objectors	
CLOSING ADRESSES		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.	
THE DECISION		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

Licensing Act 2003 Sub-Committee on 1st December 2011

Report title: Application for a Review of a Premises Licence at Grill Kebab House, 270 Muswell Hill Broadway, London N10 2QR	
Report of: Licensing Team Leader	
Ward(s) affected Fortis Green	
1. Purpose To consider an application by the Enforcement Response Team for a review of the premises licence at Grill Kebab House.	
Summary of application The Enforcement Response Team has requested a review on the grounds that the operators are not promoting the statutory objectives of: <ul style="list-style-type: none"> • Public safety • Prevention of public nuisance 	
Date review application served: 19 th October 2011.	
In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, officers arranged for notices of the review to be published for 28 days on the affected premises, on the public notice board at the Civic Centre and on the Council's website. A copy of the review application and supporting documents are at appendix 1.	
2. Officers Observations In determining this application the Licensing Sub Committee must have regard to the:	
2.1	(a) need to promote the four licensing objectives (b) representations (c) relevant sections of the statutory guidance to licensing authorities (appendix 3) (d) relevant sections of the licensing authority's statement of licensing policy (appendix 4)
Report authorised by: Joan Hancox...  <div style="text-align: right;">Head of Neighbourhood Services</div>	
Contact Officer: Ms Daliah Barrett -Williams	
Telephone: 020 8489 8232	
3. Access to information: Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: File: GRILL KEBAB HOUSE	
The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN	

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4. REPORT

Background

A premises licence was originally granted to Mr Hatem Koc in November 2005 for a Premises Licence at this address in the name of Tabla Bar and Grill to allow Provision of Late Night Refreshment until midnight Monday to Wednesday, until 1am Thursday and Sunday and until 2am Friday and Saturday. A new Premises Licence application for Grill Kebab House was then applied for in February 2008 by Mr Hatem Koc. This went forward to Committee Hearing and was subsequently granted in April 2008 to allow Provision of Late Night Refreshment until 0230am Sunday to Thursday and until 0345am Thursday to Saturday, with the condition that door supervisors are used at the premises.

Licensable activities authorised by the Licence:

The times the Licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Sunday to Thursday	2300 to 0230
Friday and Saturday	2300 to 0345

The Premises Licence Holder Is: Mr Hatem Koc

There is no Designated Premises Supervisor as the Premises is not licensed to sell alcohol.

4.2 Details of the Application for Review. Appendix 1

- The Licensee has allowed the premises to remain open after the permitted time on his licence, thereby encouraging noise nuisance from the public queuing outside awaiting to be served.
- The Licensee has allowed his premises to remain open after permitted time on his licence, thereby endangering the public, whether awaiting customers or passing public due to the narrow foot path and possible danger of traffic hitting them.
- The Licensee has not been fully complying with his Premises Licence conditions, as set out under the current Premises Licence.
- The Licensee has failed to have a SIA door staff until closing.

On Sunday 9th October 2011 at 04:10am, authorized officers attended the location to find it still open and serving customers and no SIA on the door as per his licence conditions. Other members of the public waiting outside the premises for the friends inside the shop, talking loudly and occasionally shouting, blocking the free flow of the public footpath, endangering people stepping into the road to pass them. Upon leaving another customer came in and collected a takeaway.

On Sunday 16th October 2011 at 04:10am, authorized officers attended the location and observed the premises door closed but customers being served and no SIA on the door as per his licence conditions. Other members of the public waiting outside premises for the friends inside the shop, talking loudly and occasionally shouting, blocking the free flow of the public footpath, endangering people stepping into the road to pass them.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

Have made representation in support of the review which includes CCTV footage. APP 2

5.2 Comments of Enforcement Services:

Environmental Health Officer

No representation made.

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

No letters of representation have been received.

7.0 POLICY CONSIDERATIONS

7.1 The following provisions of the Licensing Act 2003 apply to this application: Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

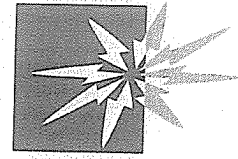
Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 7.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21. These provisions are attached at Appendix 3.
- 7.3 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; 24.1 -24.2, 25.1 – 25.7, these provisions are attached at Appendix 4
- 7.4 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

APPENDIX 1—APPLICATION FOR
REVIEW AND CURRENT LICENCE

LICENSING ACT 2003
Sections 51 and 87



Haringey Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Reference number:
202032

(1)

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) **I/We** apply for the review of a [premises licence under section 51] of the Licensing Act 2003 for the premises described in Part 1 below

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description Grill Kebab House, 270 Muswell Hill Broadway,	
Post town London	Postcode N10 2QR
Telephone number (if any)	

Name of premises licence holder : **Hatem Koc**

Number of premises licence or club premises certificate : **LN / 00006334**

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
 - a) a person living in the vicinity of the premises
 - b) a body representing persons living in the vicinity of the premises
 - c) a person involved in business in the vicinity of the premises
 - d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

(1) Insert name and address of relevant licensing authority and its reference number (optional)
(2) Insert name(s) of applicant(s)

Please tick ✓ yes

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over Please tick ✓ yes

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current address

Post town	Postcode
-----------	----------

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT
Name and address:

Post town	Postcode
-----------	----------

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address	Charles Buckle Enforcement response Officer Unit 271 Technopark
Post town: London	Postcode: N17 9LN

Telephone number (if any)

E-mail address (optional)

This application to review relates to the following licensing objective(s)

Please tick ✓ one or more boxes

- 1) the prevention of crime and disorder
- 2) public safety
- 3) the prevention of public nuisance
- 4) the protection of children from harm

Please state the ground(s) for review

- 1 - The Licensee has allowed the premises to remain open after permitted time on his license, thereby encouraging noise nuisance from the public queuing outside awaiting to be served.
- 2 - The Licensee has allowed his premises to remain open after permitted time on his license, thereby endangering the public, whether awaiting customers or passing public due to the narrow foot path and possible danger of traffic hitting them.
- 3 - The Licensee has not been fully complying with his Premises Licence conditions, as set out under the current Premises Licence.
- 4 - The Licensee has failed to have a SIA door staff until closing.

Please provide as much information as possible to support the application:

On Sunday 9th October 2011 at 04.10 am, authorized officers attended the location to find it still open and serving customers and no SIA on the door as per his license conditions. Other members of the public waiting outside premises for the friends inside the shop, talking loudly and occasionally shouting, blocking the free flow of the public footpath, endangering people stepping into the road to pass them. Upon leaving another customer came in and collected a takeaway.

On Sunday 16th October 2011 at 04.10 am, authorized officers attended the location and observed the premises door closed but customers being served, and no SIA on the door as per his licensing conditions. Other members of the public waiting outside premises for the friends inside the shop, talking loudly and occasionally shouting, blocking the free flow of the public footpath, endangering people stepping into the road to pass them.

Have you made an application for review relating to these premises before? Please tick ✓ yes

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to these premises, please state what they were and when you made them.

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate Please tick ✓ yes
- I understand that if I do not comply with the above requirements my application will be rejected

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature



Date

18th/2011

Capacity

Responsible Authority

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Haringey Council – Enforcement Response team		Observation Record Vangent ref:	
Date: <i>9/11</i>	Prosecution ref: WK	Complaint ref: WK 202032	
Time rec'd: <i>0410</i>	FPN ref: WK	Notice ref: WK	
Noise from	Address: <i>Grill Kebab House</i> <i>270 Mansell Hill Broadway</i> <i>N10V</i>	HfH	PSL
	single family house / purpose built flat / converted flat / hostel / HMO	O/Occ	Priv Rent
		RSL	Non-domestic
Type of Noise: Music / Voices / Alarm / Dog / Banging / Ventilation / <u>Other</u>			
Complainant's Details		HfH	PSL
Name: <i>Pro-Active</i>		O/Occ	Priv Rent
Address:		RSL	Non-domestic
Tel no:			
History Check (Complete this before visit)			
i) On Action List? Yes No WL / S 80 / S 60 / Prosecution / Caution / SWL / FPN and date			
ii) On potentially violent (PV) List? Yes No			
Instructions if on PV list:			
Telephone Calls to Complainant:			
Time:	Result of Call:		
Time:	Result of Call:		
Time:	Result of Call:		
Visit to Complainant / Area: Arrival Time: <i>0410</i> Departure Time:			
Occupier Name Check Date:			
Source of Information: Council Tax / NNDR HfH OHMS RSL Other			
If other or RSL specify source:			

Observations

Pro-active visit to check premises are conforming to licensing conditions. e.g. closing at 0345. No SIM on duty.

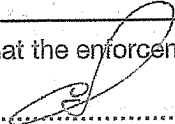
On 9th at 0910 with NPS 468 Kneebone and I attended the Gail Pub & Bar. Upon entrance I ID myself and asked to speak to the person in charge. A male behind the counter said he was. During visit he was just finishing serving 3 customers. He had had two men there now, and the left, the other remain still waiting for his meal. I informed the male staff that the premises should be shut. He explained they were customers who came in before they had closed. I informed him it was now 0910, his licence should state he should close at 0345 and close the door 15 minutes before that. I also asked where his SIM number was, he said he used him at 0345. I found the male the matter would be reported for operating beyond his permitted hours, not having a SIM on station. I also advised him to turn the door sign to closed and close the door. We then left. Co. premises by an opening I asked another male customer key served.

- | | | |
|---|----------------------------------|-------------------------|
| DN01 No visit - noise stopped | DN04 Nuisance confirmed reported | DN10 Licensing response |
| DN02 No visit - other | DN05 Nuisance confirmed abated | DN11 Planning response |
| DN03 No visit - out of remit | DN06 Nuisance not established | |
| DN12 No visit - call cancelled | DN09 No officer on duty | |
| DN13 No time to visit | DN07 Noise not on now response | |
| DN14 No visit - no response complainant | DN08 Proactive completed | |

Action: 1st Advisory letter / EPA - WL / EPA S80 notice / CoPA letter / CoPA S60 notice

ASBAT referral / Special WL following notice / Offence / FPN Other circle all that apply

I certify that the enforcement action taken is in accordance with the Council's enforcement policy

Signed:  Name: Choke Date: 9th 11

Haringey Council – Enforcement Response team		Observation Record Vangent ref:	
Date: <i>16th/4</i>	Prosecution ref: WK	Complaint ref: WK <i>202032</i>	
Time rec'd: <i>0410</i>	FPN ref: WK	Notice ref: WK	
Noise from	Address: <i>Grill Kebab Hse 270 Manor Rd Roachy</i>	HfH	PSL
	single family house / purpose built flat / converted flat / hostel / HMO	O/Occ	Priv Rent
		RSL	Non-domestic
Type of Noise: Music / Voices / Alarm / Dog / Banging / Ventilation / Other			
Complainant's Details		HfH	PSL
Name: <i>Pro active</i>		O/Occ	Priv Rent
Address:		RSL	Non-domestic
Tel no:			
History Check (Complete this before visit)			
i) On Action List? Yes No WL / S 80 / S 60 / Prosecution / Caution / SWL / FPN and date			
ii) On potentially violent (PV) List? Yes No			
Instructions if on PV list:			
Telephone Calls to Complainant: Time: Result of Call:			
Time: Result of Call:			
Time: Result of Call:			
Visit to Complainant / Area: Arrival Time:		Departure Time:	
Occupier Name Check		Date:	
Source of Information: Council Tax / NNDR HfH OHMS RSL Other			
If other or RSL specify source:			

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Observations

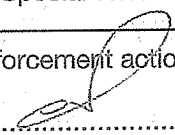
Atterhill location, stood opposite shop, and observed a male customer leaving the shop at approx. 10.15. Saw owner of shop then close door a second window. A few seconds later, after a couple of customers barged on the door, saw owner come out of shop, close door say something to the customer, he then looked up a door the road and walked up by KFC looking around. He then returned to the shop, opened the door & let up customers inside and closed the door, he remained by the door looking up and down again, he walked a few steps up toward KFC then returned to the door. He opened it a bit more and closed the door, then a few seconds later returned to the door and opened it for another customer and closed the door again. I said to Greg the corner the road breaks the premises, upon coming into the door, I the shop a male customer was asking if he could come inside, he left when I ID myself. He comes opened the door let a customer out with shop. I spoke to him "I ID myself about my ID card. I informed him I would be reporting him for operating beyond his licensed condition & time, with no sum. He tried to plea that they were customers already inside then he closed door.

- | | | |
|---|----------------------------------|-------------------------|
| DN01 No visit - noise stopped | DN04 Nuisance confirmed reported | DN10 Licensing response |
| DN02 No visit - other | DN05 Nuisance confirmed abated | DN11 Planning response |
| DN03 No visit - out of remit | DN06 Nuisance not established | |
| DN12 No visit - call cancelled | DN09 No officer on duty | |
| DN13 No time to visit | DN07 Noise not on now response | |
| DN14 No visit - no response complainant | DN08 Proactive completed | |

Action: 1st Advisory letter / EPA - WL / EPA S80 notice / CoPA letter / CoPA S60 notice

ASBAT referral / Special WL following notice / Offence / FPN / Other circle all that apply

I certify that the enforcement action taken is in accordance with the Council's enforcement policy

Signed:  Name: Clark Date: 16/11

Haringey Council – Enforcement Response team		Observation Record Vangent ref:	
Date: <i>16/11</i>	Prosecution ref: WK	Complaint ref: WK 202032	
Time rec'd: <i>0410</i>	FPN ref: WK	Notice ref: WK	
Noise from	Address: <i>Grill Kebabs Hse</i> single family house / purpose built flat / converted flat / hostel / HMO	HfH	PSL
		O/Occ	Priv Rent
		RSL	Non-domestic
Type of Noise: Music / Voices / Alarm / Dog / Banging / Ventilation / Other			
Complainant's Details		HfH	PSL
Name:		O/Occ	Priv Rent
Address:		RSL	Non-domestic
Tel no:			
History Check (Complete this before visit)			
i) On Action List? Yes No WL / S 80 / S.60 / Prosecution / Caution / SWL / FPN and date			
ii) On potentially violent (PV) List? Yes No			
Instructions if on PV list:			
Telephone Calls to Complainant:			
Time:	Result of Call:		
Time:	Result of Call:		
Time:	Result of Call:		
Visit to Complainant / Area: Arrival Time: Departure Time:			
Occupier Name Check Date:			
Source of Information: Council Tax / NNDR HfH OHMS RSL Other			
If other or RSL specify source:			

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Observations

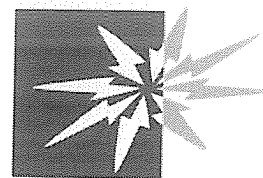
Performed test, I was told the call in, and that the matter will be reported. False leaving a note and the customer with being handed his card, and the other still waiting. In the office

[Dotted lines for additional observations]

- DN01 No visit - noise stopped
- DN02 No visit - other
- DN03 No visit - out of remit
- DN12 No visit - call cancelled
- DN13 No time to visit
- DN14 No visit - no response complainant
- DN04 Nuisance confirmed reported
- DN05 Nuisance confirmed abated
- DN06 Nuisance not established
- DN09 No officer on duty
- DN07 Noise not on now response
- DN08 Proactive completed
- DN10 Licensing response
- DN11 Planning response

Action: 1st Advisory letter / EPA -WL / EPA S80 notice / CoPA letter / CoPA S60 notice
 ASBAT referral / Special WL following notice / Offence / FPN / Other circle all that apply

I certify that the enforcement action taken is in accordance with the Council's enforcement policy
 Signed: [Signature] Name: Choler Date: 16/10/11



Haringey Council

Licensing Consultation

To: Licensing Officer

From: Enforcement Response (Noise)

Name of Officer preparing representation: Charles Buckle in association with Team Leader Enforcement Response, Derek Pearce.

Our Reference: WK203147

Date: 15th November 2011

Premises: Grill Kebab House, 270 Muswell Hill Broadway, London, N10 2QR

Type of hearing: Review

Supporting Information

The Enforcement Response (noise) team have requested a Review of the Grill Kebab House Premises Licence due to ongoing non-compliance with the terms of the Licence and the continued issues related to late night patrons causing Public Nuisance in the streets around Muswell Hill & Muswell Hill Broadway.

We are also concerned about the Public Safety of members of the public who have attended various licensed premises in the area and loiter in the area on crowded pavements whilst consuming take away food.

The existing Premises Licence was amended on 1st July 2009 updating the 3rd April 2008 Licence and amended conditions relating to the presence of SIA door staff which had previously required 2 SIA staff to be present.

The amended Condition currently states:

- A minimum of one SIA door staff to be employed from 22:00 to close of business on Friday and Saturday nights to monitor the entrance and exit of customers.
- Last admission on Friday and Saturday 15 minutes prior to closing and no re-admittance allowed

The full text of current conditions under The Prevention of Public Nuisance reads as follows

- All customers are asked to respect the surroundings and behave in an orderly manner.
- Signs will be installed to remind customers to respect the neighbours and to behave in a courteous manner.
- Patrons will be discouraged from congregating outside the premises.

- All waste generated by the premises will be dealt with appropriately.
- No deliveries of stock are to be made to the premises between 23:00 and 08:00 on any day.
- There will be no music to be played at the premises other than background music.
- All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and with minimal disturbance to neighbours arising from odour.
- External illumination signs shall be switched off when the premises are closed for licensable activities.
- Security lights will also be positioned to minimise light intrusion into nearby residential dwellings.
- No one shall remain on the premises in the sitting area for consumption of food after 23:00 except for staff and family members.

In this Review we wish to address in particular the issues of Public Nuisance, Public Safety and Crime & Disorder in the area around Muswell Hill late night and on weekend late nights in particular.

Current Licence

The Licensable activities authorised by the Licence are as follows:

Provision of Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Sunday to Thursday 2300 to 0230

Friday and Saturday 2300 to 0345

The opening hours of the premises:

Sunday to Thursday 2300 to 0230

Friday and Saturday 2300 to 0345

We do not consider that the current Premises Licence holder has been managing the premises in accordance with the terms of the Licence and having regard to the Licensing Objectives.

Further, having regard to the circumstances on Muswell Hill Broadway and Muswell Hill at weekend nights, the current hours specified in the Licence are not conducive to furthering the Licensing Objectives.

We request that the licensing authority revoke the licence or suspend the licence for a period.

However if you are not minded to revoke the licence then we request that the licensing authority modify the licence by bringing back the hours for licensable activities (Provision of Late Night Refreshment) to no later than the following

Sunday to Thursday 23:00 to 01:00

Friday & Saturday 23:00 to 03:00

In making your decision, however, we would request that you have regard to both the history of non-compliance at these premises and also the unique circumstances at Muswell Hill and to revoke the licence or suspend the licence for a period with appropriate changes to the operating schedule and conditions.

Information note:

In the immediate vicinity of Grill Kebab House is

Socialite Bar

Regulated Entertainment

Sunday to Thursday 1200 to 0300

Friday & Saturday 1200 to 0400

Café Loco

Recorded Music

Monday to Wednesday 0800 to 0300

Thursday to Saturday 0800 to 0400

Village

Provision of Regulated Entertainment

Monday to Wednesday 1000 to 0030

Thursday and Sunday 1000 to 0100

Friday and Saturday 1000 to 0200

There is also a premises Manhattan Lights / The Hill Nightclub

Also in the immediate vicinity of Grill Kebab House is Kentucky Fried Chicken, 278 Muswell Hill Broadway, N10 2QR which has the following licensed hours

Provision of Late Night Refreshment

Sunday to Thursday 2300 to 0100

Friday & Saturday 2300 to 0300

In regard to SIA door staff Kentucky Fried Chicken have the following condition

- Premises will have SIA - Certified door supervisors from 10pm until closing, Sunday to Thursday and 2 such supervisors from 10pm until closing, Friday and Saturday. High visibility jackets will be worn by door supervisors.

It is our view that each premises should be considered on an individual basis but that regard should also be given to premises in the vicinity, especially where there is an underlying background of generalised anti-social behaviour such as there is at Muswell Hill.

See below for dates and times of visits when Licensing irregularities were identified at Grill Kebab House.

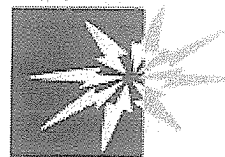
Date reported & time	Observations & time	Outcome	Our Ref WK
10/2/8 02:20 hrs	Visit made at 02.20 hrs, proprietor spoken to re: operating beyond their permitted hours of 02.00 hrs.	Verbal Warning	64761
23/2/8 02:30 hrs	No SIAs as required by licensing conditions.	Verbal Warning	64761
1&2/5/9 23:30 hrs	<p>No SIAs as required by licensing conditions.</p> <p>Officer notes: I visited premises. No SIA staff present at all. Some persons sitting down, not eating or drinking, were waiting for orders to be ready.</p> <p>I spoke to a member of staff who got the owner, Mr Koc on the phone. I advised him who I was and that as a condition of his licence was not being fulfilled he had to close the shop with immediate effect.</p> <p>He was not happy with this as there was a lot of raw food product in the display cabinet and on the Doner spit in readiness for the night's business.</p> <p>After some further discussion he agreed to close the shop. I also said that he must get the two SIA door staff in place for tomorrow night as from 22:00hrs as per the licence, he agreed to that.</p> <p>The staff member, manager, then pleaded with me to be allowed to stay open. I refused saying that I would be back later in the night to check. I then left the area with the police.</p> <p>I revisited at approx 04:00hrs to see the premises still open and customers waiting at the counter.</p> <p>There was now one SIA door staff present. there was no licence on display. I was shown a licence for number 270, but it was a different trading name, and was dated prior to the current licence.</p>	Verbal Warning & Licensing warning letter Dated 7 th May 2009	118621
3/5/9	One SIA only, not 2 as stated on license.	Verbal	118621

00:40		Warning & Licensing warning letter Dated 7 th May 2009	
30/5/9 02:30	No SIAs, and customers sitting and eating in premises.	Verbal Warning	118621
9/10/11 04:10	Open and serving after permitted times.	Licensing letter sent re Review	202032
16/10/11 04:10	Open and serving after permitted times.	Noted	202032

I am producing as a part of my evidence a copy of the report by Charles Buckle dated 10th February 2008 and also a letter dated 7th May 2009 relating to incidents on 2nd and 3rd May 2009.

Enforcement Response

Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000
Fax: 020 8489 5133
www.haringey.gov.uk



Director of Urban Environment - Niall Bolger
Assistant Director - Frontline Services – Beverley Taylor

Haringey Council

The licensee,
Grill Kebab House
270 Muswell Hill Broadway
Hornsey
London
N10 2QR

Your ref: UE/ENF/WK/000118621
WK/000118621

Date: 7th May 2009

Contact: Enforcement Response
Team

Direct
dial: 020 8489 1000

Email: enforcement.response
@haringey.gov.uk

Dear Sir / Madam,

Warning Letter: Licensing Act 2003

Address: Grill Kebab House, 270 Muswell Hill Broadway, Hornsey,
London, N10 2QR

It has been identified that the above premises on 2nd and 3rd May 2009 were being used for late night refreshment outside of the hours permitted, were not displaying a copy of the current licence, and did not have SIA approved doormen at the premises as required by the conditions of the licence.

The provision of late night refreshment means the supply of hot food or hot drink to the public, for consumption on or off the premises, between 11pm and 5am or the supply of hot food or hot drink to any persons between those hours on or from premises to which the public has access.

You are warned that this practice must cease.

It is an offence under section 136 of the Licensing Act 2003 if a person

- (a) carries on, or attempts to, carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or
- (a) he knowingly allows a licensable activity to be carried on.

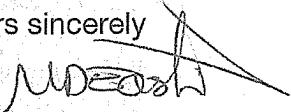
You should familiarise yourself with the activities permitted under the current License if you have one. Unauthorised use of the premises must cease immediately.

No further warnings will be issued. This Authority may seek to prosecute if future unauthorised activity is identified

It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing Lead Officer on 020 8489 8232.

Yours sincerely



M Eastwood
Enforcement Response Team

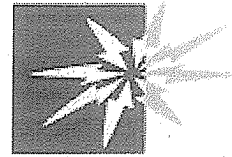
Enforcement Response

Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN

Tel: 020 8489 1000

Fax: 020 8489 5133

www.haringey.gov.uk



Director of Urban Environment - Niall Bolger
Assistant Director - Frontline Services – Beverley Taylor

Haringey Council

Mr Hatem Koc,
59 Hawkinge,
Gloucester Road,
Tottenham,
London,
N17 6LP.

Your ref: UE/ENF/WK/000118621
WK/000118621

Date: 7th May 2009

Contact: Enforcement Response
Team

Direct
dial: 020 8489 1000

Email: enforcement.response -
@haringey.gov.uk

Dear Sir,

Warning Letter: Licensing Act 2003

Address: 270 Muswell Hill Broadway, Hornsey, London, N10 2QR

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- (a) he knowingly allows a licensable activity to be carried on.

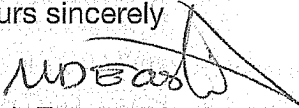
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Yours sincerely



Mark Eastwood
Enforcement Response Team

Haringey Council – Enforcement Response		Noise Observation Record	
Date: <i>10/2/08</i>	Time Received: <i>02.20</i>	Complaint ref: WK <i>64206</i> Notice ref: WK Prosecution ref: WK	
Noise from	Address: <i>Tabla Bar & Grill 270 Muswell Hill Broadway</i>	HfH O/Occ RSL	PSL Priv Rent Non-domestic
Type of Noise: Music / Voices / Party / Alarm / Dog / Banging / Extract vent / <u>Other</u>			
Complainant's Details		HfH	PSL
Name: <i>No-active</i>		O/Occ	Priv Rent
Address:		RSL	Non-domestic
Tel no:			
History Check (Complete this before visit)			
i) On Action List? Yes No NS 51 / WL / S 80 / S 60 / Prosecution / Caution / SWL and date			
ii) On potentially violent (PV) List? Yes No			
Instructions if on PV list:			
Telephone Calls to Complainant:		Time:	Result of Call:
		Time:	Result of Call:
		Time:	Result of Call:
Visit to Complainant / Area: Arrival Time: <i>02.25</i>		Departure Time:	
For Administration Use			
Occupier Name Check		Date:	
Source of Information: Council Tax/NNDR		HfH	OHMS RSL Other
If other or RSL specify source:		NS 21 (January 2008)	

Sheet 1 of 2

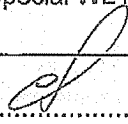
Observations

On Sat Sunday 10/08 at 02:20 attended Table Bar and Grill 270 Muswell Hill Broadway. Watch for 5 min people entering and exiting premises after ordering food. At 02:25 with PC Roy France we entered the premises, at that point there were 5 people being or waiting to be served. We satook at the rear of the premises by the serving counter, after a few minutes one of the staff asked what we wanted. I informed him who I was, and asked to speak to the person in charge. Who I know know as Mr. Mr. Koc, who stated his brother was the owner and he wasn't there. We went to the rear of the premises to the shop, I identified myself to Mr. Koc, and informed him I was closing a licensed premises Act. I asked to see his licence. He produced it. I asked him if he could read the operating time schedule, he said it was 0200 and he was just closing. I informed him it was now 0230 and that I have started him selling after 2am which is an offence against his permitted time. I continued him 0231, advised him to close up, he said he would. At 0300 I again returned to the premises and saw Mr. Koc, and forced him again I had seen him operating, even though he said he was going to close, again

- | | | |
|---|----------------------------------|-------------------------|
| DN01 No visit – noise stopped | DN04 Nuisance confirmed reported | DN10 Licensing response |
| DN02 No visit – other | DN05 Nuisance confirmed abated | DN11 Planning response |
| DN03 No visit – out of remit | DN06 Nuisance not established | |
| DN12 No visit – call cancelled | DN09 No officer on duty | |
| DN13 No time to visit | DN07 Noise not on now response | |
| DN14 No visit - no response complainant | DN08 Proactive completed | |

Action Recommended: NS51 1st Advisory letter / EPA - WL / EPA S80 / CoPA letter / CoPA S60

ASBAT referral / Special WL following notice / Prosecution / Caution / None / Other (see above)
(circle)

Signed:  Name: Charles
Date: 10/2/07

Haringey Council – Enforcement Service		Noise Observation Record
Date:	Time Received: <i>10/2/08</i>	Complaint ref: WK <i>64206</i> Notice ref: WK Prosecution ref: WK
Noise from	Address: <i>To the Bal x Grill 270 Maxwell Hill Brookley</i>	HfH PSL O/Occ Priv Rent RSL Non-domestic
Type of Noise: Music / Voices / Party / Alarm / Dog / Banging / Extract vent. / <u>Other</u>		
Complainant's Details		HfH PSL O/Occ Priv Rent RSL Non-domestic
Name:		
Address:		
Tel no:		
History Check (Complete this before visit)		
i) On Action List? Yes No NS 51 / WL / S 80 / S 60 / Prosecution / Caution / SWL and date		
ii) On potentially violent (PV) List? Yes No		
Instructions if on PV list:		
Telephone Calls to Complainant: Time: Result of Call:		
Time: Result of Call:		
Time: Result of Call:		
Visit to Complainant /Area: Arrival Time: Departure Time:		
<u>For Administration Use</u>		
Occupier Name Check		Date:
Source of Information: Council Tax/NNDR HfH OHMS RSL Other		
If other or RSL specify source:		NS 21 (August 2007)

Observations

cautioned him ORO3 He replied "You're already reported me so I may as well keep selling." I said "No" The consequences of your action are that you may lose your licence altogether. I advised him to close and we left.

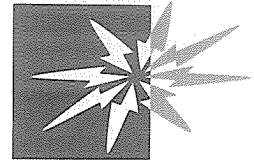
- DN01 No visit – noise stopped
- DN02 No visit – other
- DN03 No visit – out of remit
- DN12 No visit – call cancelled
- DN13 No time to visit
- DN14 No visit - no response complainant
- DN04 Nuisance confirmed reported
- DN05 Nuisance confirmed abated
- DN06 Nuisance not established
- DN09 No officer on duty
- DN07 Noise not on now response
- DN08 Proactive completed
- DN10 Licensing response
- DN11 Planning response

Action Recommended: NS51 1st Advisory letter / EPA - WL / EPA S80 / CoPA letter / CoPA S60

ASBAT referral / Special WL following notice / Prosecution / Caution / None / Other (see above)
(circle)

Signed: *[Signature]* Name: *Chelton*
Date: *10/2/22*

Notice of Application for the review of a Premises Licence



Haringey Council

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**GRILL KEBAB HOUSE
270 MUSWELL HILL BROADWAY
MUSWELL HILL
LONDON N10 2QR**

The application for review has been made on the following grounds:

THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING OBJECTIVES OF:

- **PUBLIC SAFETY**
- **THE PREVENTION OF PUBLIC NUISANCE**

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

**Lead Officer –Licensing, Haringey Council, Unit 271, Technopark,
Ashley Road, Tottenham, London N17 9LN**

By: 15th November 2011

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Unit 271, Technopark, Ashley Road, Tottenham, London N17 9LN between the hours of 10.00am and 4.00pm.

IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

LICENSING ACT 2003
Sec 24

PREMISES LICENCE

Receipt: AG870017

Premises Licence Number: LN/00006334

This Premises Licence has been issued by:

*The Licensing Authority, London Borough of Haringey,
Urban Environment, Technopark, Ashley Road
Tottenham, London, N17 9LN*

Signature:

Date: 3rd April 2008,
1st July 2009

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**GRILL KEBAB HOUSE
270 MUSWELL HILL BROADWAY
LONDON
N10 2QR**

Where the Licence is time limited, the dates:

Licensable activities authorised by the Licence:

Provision of Late Night Refreshment

The times the Licence authorises the carrying out of licensable activities:

Provision of Late Night Refreshment

Sunday to Thursday 2300 to 0230

Friday and Saturday 2300 to 0345

The opening hours of the premises:

Sunday to Thursday 2300 to 0230

Friday and Saturday 2300 to 0345

Where the Licence authorises supplies of alcohol whether these are on and/or off supplies:

No supply of alcohol permitted on this premises.

LICENSING ACT 2003
Sec 24

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Hatem Koc
Flat 59 Hawkinge
Gloucester Road
Tottenham
London
N17 6LP

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

N/A

Personal Licence number and issuing authority of personal licence held by designated premises supervisor where the Premises Licence authorises for the supply of alcohol:

N/A

Condition:

- A minimum of one SIA door staff to be employed from 2200 to close of business on Friday and Saturday nights to monitor the entrance and exit of customers.
- Last admission on Friday and Saturday 15 minutes prior to closing and no re-admittance allowed

Annex 1 –Mandatory Conditions

Door supervision

At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

- A minimum of one SIA door staff to be employed from 2200 to close of business on Friday and Saturday nights to monitor the entrance and exit of customers.
- A CCTV system is to be installed and maintained inside and outside the premises, including a CCTV unit, which monitors the immediate vicinity of the premises.
- All cameras shall continually record whilst the premises are open to the public and the recordings shall be kept available for a minimum of 31 days with time and date stamping.
- Recordings shall be made available to an authorised officer or a police officer within 24 hours of any request.

PUBLIC SAFETY

- Appropriate fire safety procedures are in place along with appliances including fire extinguishers (Foam, H2O and CO2), fire blankets, internally illuminated fire exit signs, a smoke detector and emergency lighting.
- All appliances are checked annually and comply with relevant British Standards.
- All fire escapes / escape routes will be clearly marked and kept free from obstructions at all times.

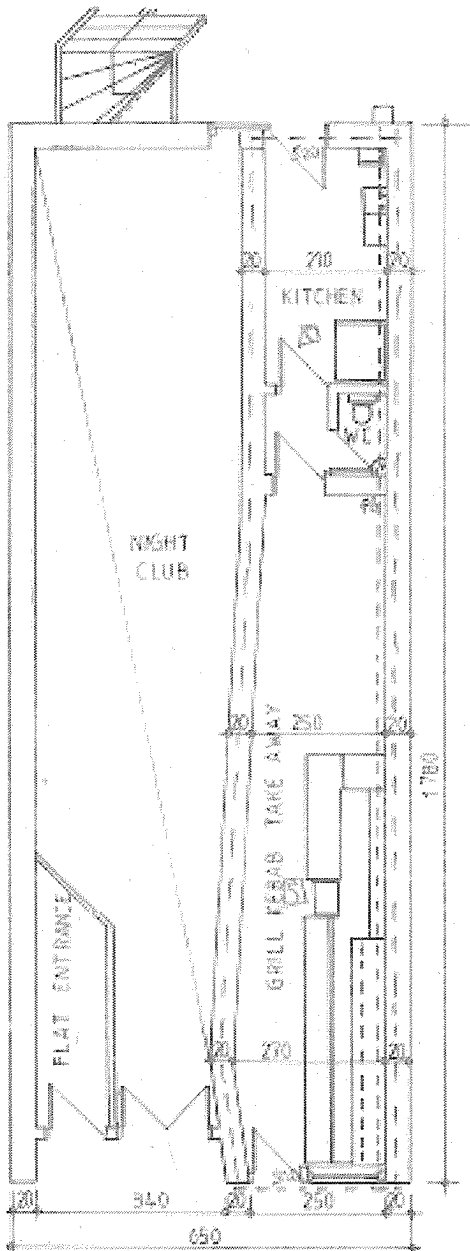
THE PREVENTION OF PUBLIC NUISANCE

- All customers are asked to respect the surroundings and behave in an orderly manner.
- Signs will be installed to remind customers to respect the neighbours and to behave in a courteous manner.
- Patrons will be discouraged from congregating outside the premises.
- All waste generated by the premises will be dealt with appropriately.
- No deliveries of stock are to be made to the premises between 2300 and 0800 on any day.
- There will be no music to be played at the premises other than background music.
- All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and with minimal disturbance to neighbours arising from odour.
- External illumination signs shall be switched off when the premises are closed for licensable activities.
- Security lights will also be positioned to minimise light intrusion into nearby residential dwellings.
- No one shall remain on the premises in the sitting area for consumption of food after 2300 except for staff and family members.

THE PROTECTION OF CHILDREN

Annex 3 – Conditions attached after a hearing by the licensing authority

Annex 4 - Plans



EXISTING GROUND FLOOR PLAN

<p>--- Ambit of Licence - S20 Fire Escape Keep Clear - PB - Fire Blanket - S - Smoke Detector</p>	
<p>PROJECT 270 MUSWELL HILL BROADWAY LONDON N10 2QR</p>	
<p>DRAWING TITLE EXISTING FRONT_REAR_ SIDE ELEVATION & GROUND FLOOR PLAN</p>	
<p>DRAWN BY: ISMET VURAL</p>	
<p>SCALE: 1/100</p>	<p>REF NO: 2025/001047</p>

APPENDIX 2—COMMENTS OF
METROPOLITAN POLICE

RESTRICTED (when complete)

MG 11 (T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Allan GREIG PC456YR..... URN: [] [] [] []

Age if under 18 Over 21 (if over 18 insert 'over 18') Occupation: POLICE CONSTABLE 456YR... 191248

This statement (consisting of: 4..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded [] (supply witness details on rear)

On Sunday the 16th October 2011 I was on duty in plain clothes working with Mr Charles BUCKLE, a Haringey council employee from the Noise Nuisance team.

At about 0400 hours we had occasion to visit Muswell Hill Broadway N10 in order to check to see if a Kebab shop was still open. This Kebab shop is called The Grill Kebab and is at 270 Muswell Hill Broadway N10.

At 04.10 hours we positioned ourselves opposite the Kebab shop, just besides the Village Public house.

At this time there were still a fair few members of the public loitering in the area. I was stood watching the shop with Mr Buckle and I had a very good clear view of it. We were about 50 feet away. I could see that the shop appeared to be open. There appeared to be two men working behind the display area and that there were a number of people inside the shop. At this time I saw a man who I believed to be a customer leave the kebab shop and I saw that one of the employees, a man who I have seen on many previous occasions but unfortunately do not know his name close the front door. This man, who was wearing a blue coloured tee shirt, was about 5'10" tall, about 35 years old and appeared to be of Turksih Origin then walked up to where the Kentucky Fried Chicken restaurant is situated and appeared to look around as if he was looking for someone. Shortly afterwards this man walked back to the Kebab shop and opened up the front door and ushered a group of people inside, I believe there were four people ushered inside the shop. The employee shut the door again and then walked up the hill to the Kentucky Fried Chicken restaurant. This I considered strange behaviour. The employee again looked around and appeared concerned/ nervous about something. I recall him appearing anxious. He then returned to the kebab shop and opened the door and allowed another person to enter.

At about 04.17 hours Mr Buckle and I then walked over to the Kebab shop. Just as we reached the front door the employee opened the kebab shop door and I saw a black male walk out holding and eating from a plastic carton of chips. Mr Buckle then had a brief conversation with the employee; I did not hear what was being said.

Signature: Signature witnessed by:

RESTRICTED (when completed)

Continuation of Statement of

Whilst I was standing outside the kebab shop I could see an employee wearing a blue tee shirt preparing food behind the counter. I could see that he was preparing what looked like a kebab. I looked inside the restaurant and could see a number of people, about six in total. Some of which were eating food and some appeared to be waiting at the counter. All the internal lights were on and none of the security grills were visible.
After Mr Buckle finished his conversation we then left.

Signature: Signature witnessed by:

Witness contact details

Home address:
..... Postcode:

Home telephone number Work telephone number

Mobile/pager number Email address:

Preferred means of contact:

Male / Female (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness **non-availability**

Witness care

- a) Is the witness willing and likely to attend court? Yes / No. If 'No', include reason(s) on MG6.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness? Yes / No. If 'Yes' submit MG2 with file.
- d) Does the witness have any specific care needs? Yes / No. If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
- b) I have been given the Victim Personal Statement leaflet Yes No
- c) I have been given the leaflet 'Giving a witness statement to police — what happens next?' Yes No
- d) I consent to police having access to my medical record(s) in relation to this matter: (obtained in accordance with local practice) Yes No N/A
- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): Station:

Time and place statement taken:

Witness contact details

Home address:

Postcode:

Home telephone number Work telephone number **22122**

Mobile/pager number Email address:

Preferred means of contact:

~~Male~~/ **Female** (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

- a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me Yes No
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- e) I consent to my medical record in relation to this matter being disclosed to the defence: Yes No N/A
- f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA Yes No
- g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to decline their services:

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **Pcso 7104YR c083067 Pauline Hearfield...** Station: **YM**

Time and place statement taken:

RESTRICTED (when complete)

MG 11(T)

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of Pauline Hearfield..... URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Staff c083067

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This statement is about two visits conducted at the Grill Kebab 270 MUSWELL HILL BROADWAY N10

On Friday 28th October 2011 I was on duty in full uniform patrolling the Fortis Green and Muswell Hill wards with Pc Sharon ROGERS 254YR and Pc Alan Greig 456YR. At approximately 2235hours we visited the Grill Kebab 270 MUSWELL HILL BROADWAY N10. I am aware that part of the licensing conditions is to have a door supervisor from 2200hours onwards on a Friday and Saturday night. As there was no door supervisor there when we arrived I asked one of the workers a white male that I know to be Bektas KOCH where the door supervisor was. He replied that he will be here later. I advised Bektas KOCH that he should have the door supervisor there at 2200hours.

On Saturday 29th October 2011 I was on duty in full uniform patrolling the Fortis Green ward with Pc Caroline DAVIES 170YR. We passed the Grill Kebab shop at 2255hours and as there was no door supervisor, we went in and I asked Bektas KOCH where the door supervisor was. He was vague as to where the door supervisor was and said he would be here later. I again advised him about his licence conditions that there should be a door supervisor there at 2200hours.

Signature: Signature witnessed by:

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of URN: [] [] [] []

Age if under 18 Over 18..... (if over 18 insert 'over 18') Occupation: Police Staff c083067

This statement (consisting of: 2..... pages each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated anything in it which I know to be false, or do not believe to be true.

Signature: Date:

Tick if witness evidence is visually recorded [] (supply witness details on rear)

This statement is regarding two visits made to the Grill Kebab 270 MUSWELL HILL BROADWAY N10 in October 2010 and November 2010.

On 30th October 2010 I was on duty and in full uniform on patrol in the Fortis Green area. At approximately 2305hours I spoke with staff at Clubuwish which is a licensed premise next door to the Grill Kebab and they informed me that there had been no door supervisors at the Grill Kebab for the last three months. I visited Grill Kebab at 2315hours and there was no door supervisor there. I asked a white male who works there that I know to be Bektas KOCH where the door supervisor was and he said he would be here later.

On 6th November 2010 I visited the Grill Kebab at 2305hours and there was no door supervisor there. I spoke with Bektas KOCH and asked him where the door supervisor was and he said the door supervisor would be there at midnight. I spoke with Bektas KOCH and told him that it was part of his licence to have a door supervisor there from 2200hours.

Signature: Signature witnessed by:

Witness contact details

Home address:

..... Postcode:

Home telephone number Work telephone number **22122**

Mobile/pager number Email address:

Preferred means of contact:

~~Male~~/ **Female** (delete as applicable) Date and place of birth:

Former name: Ethnicity Code (16+1): Religion/belief:

Dates of witness non-availability

Witness care

- a) Is the witness willing and likely to attend court? **No.** If 'No', include reason(s) on **MG6**.
- b) What can be done to ensure attendance?
- c) Does the witness require a Special Measures Assessment as a vulnerable or intimidated witness?
No. If 'Yes' submit **MG2** with file.
- d) Does the witness have any specific care needs? **No.** If 'Yes' what are they? (Disability, healthcare, childcare, transport, language difficulties, visually impaired, restricted mobility or other concerns?)

Witness Consent (for witness completion)

a) The criminal justice process and Victim Personal Statement scheme (victims only) has been explained to me	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
b) I have been given the Victim Personal Statement leaflet	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
c) I have been given the leaflet 'Giving a witness statement to police — what happens next?'	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
d) I consent to police having access to my medical record(s) in relation to this matter: <small>(obtained in accordance with local practice)</small>	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
e) I consent to my medical record in relation to this matter being disclosed to the defence:	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>	N/A	<input type="checkbox"/>
f) I consent to the statement being disclosed for the purposes of civil proceedings e.g. child care proceedings, CICA	Yes	<input type="checkbox"/>	No	<input type="checkbox"/>		
g) The information recorded above will be disclosed to the Witness Service so they can offer help and support, unless you ask them not to. Tick this box to <u>decline</u> their services:						<input type="checkbox"/>

Signature of witness: Print name:

Signature of parent/guardian/appropriate adult: Print name:

Address and telephone number if different from above:

Statement taken by (print name): **Pcso 7104YR c083067 Pauline Hearfield...** Station: **YM**

Time and place statement taken:

Muswell Hill Clubs

Research:

- <http://www.tfl.gov.uk/assets/downloads/ResearchSummaryNo3-PedestrianGuardRailing.pdf>

28/05/2011 -- 04:03hrs



28/05/2011 -- 04:13hrs



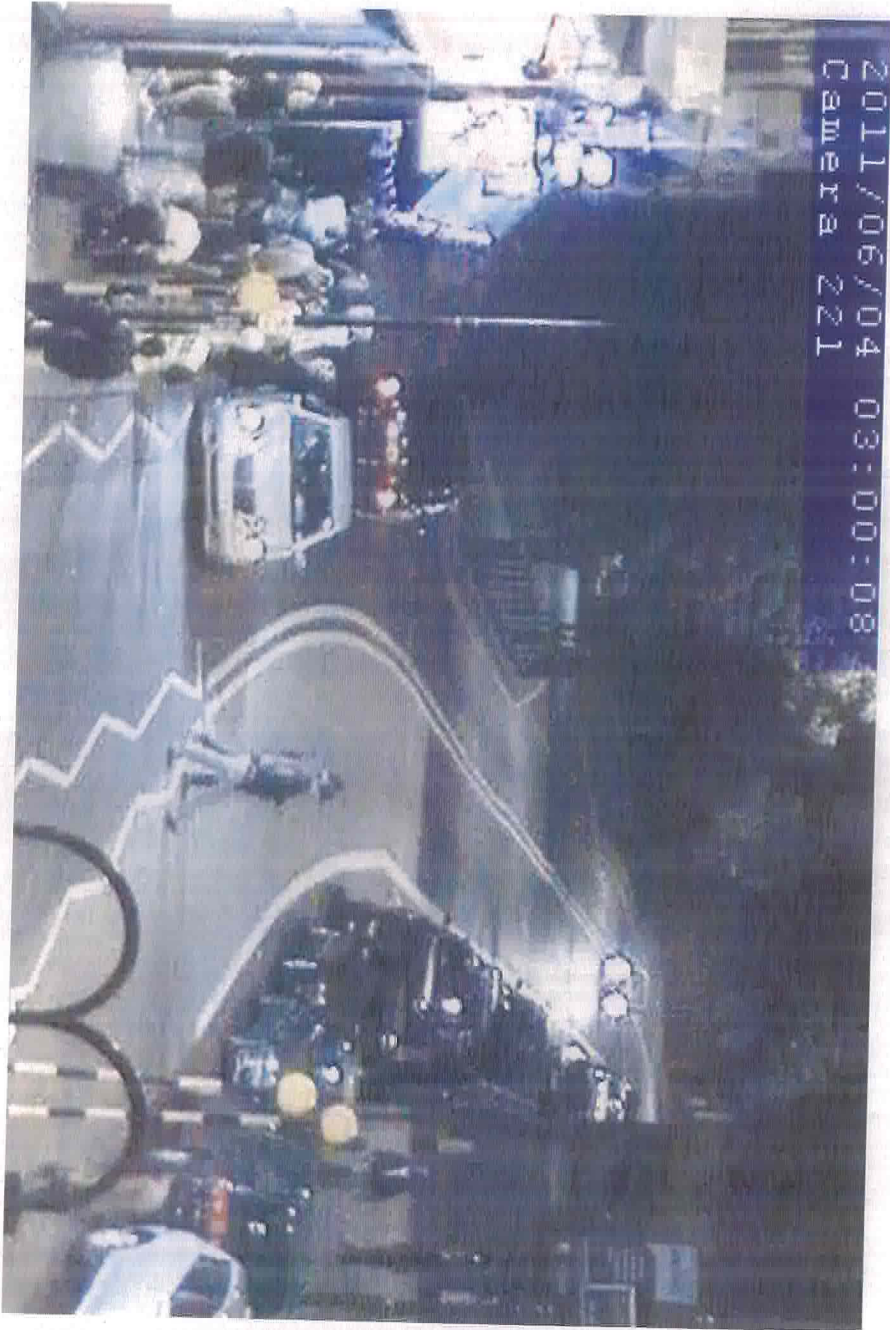
28/05/2011 04:20hrs



28/05/2011 -- 04:28hrs



04/06/2011 -- 0300hrs



04/06/2011 -- 0310hrs



04/06/2011 -- 0340hrs



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APPENDIX 3—SECRETARY OF
STATE GUIDANCE

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 The Regulations allow applications for reviews to be made electronically, as long as the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via businesslink or the licensing authority's electronic facility.
- 11.4 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.5 Licensing officers may not initiate their own reviews of premises licences, but elected members of the licensing authority may request reviews if they are concerned about licensed activities at a premises or such matters are brought to their attention (see paragraph 8.15 above). Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may also request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.6 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.7 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.9 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common

aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.

- 11.10 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.
- 11.11 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

- 11.12 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
 - representations considered by the licensing authority when the premises licence was first granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.
- 11.15 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

- 11.16 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.
- 11.18 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:
- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
 - to suspend the licence for a period not exceeding three months;
 - to revoke the licence.
- 11.19 In deciding which of these powers to invoke, it is expected that licensing authorities 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 always be no more than a necessary and proportionate response.
- 11.20 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.21 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

APPENDIX 4—RELEVANT SECTIONS
OF THE STATEMENT OF LICENSING
POLICY

10.5 Trading Standards

Trading Standards will carry out test purchasing for underage sales in licensed premises.

10.6 Environmental Health – Food Team

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

11.0 Operating Schedule

11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.

11.2 Risk Assessments

Risk assessments help to identify areas of concern in the operating of the premises which may undermine the licensing objectives. Applicants can use the information to complete their application and Operating schedule, and the steps identified by the applicant are transferred on to the license as a condition. Risk assessments should be specific to the premises, the proposed licensable activities and the proposed hours of trading and also the anticipated number of people likely to be on the premises when licensable activities are taking place.

11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

12.0 The prevention of crime and disorder

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Haringey Crime Audit 2001 acknowledged that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol has contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the adjoining boroughs of Islington and Hackney.

- 12.2 The Council is committed to reducing crime and disorder throughout the borough through its statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.
- 12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.

13.0 Public safety

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public.
- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits. These premises may also require a licence under the Local Government (Miscellaneous Provisions) Act 1982.
- 13.5 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of a sexual nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.6 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.7 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:

- Schools

- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

14.0 The prevention of public nuisance

- 14.1 Licensed premises, especially those operating late at night and in the early hours of the morning can cause a wide range of nuisances that can impact on the people living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix.

15.0 The protection of children from harm