



NOTICE OF MEETING

Special Licensing Sub Committee

TUESDAY, 11TH FEBRUARY, 2014 at **10:00 HRS** - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Beacham, Brabazon and Mallett

AGENDA

1. APOLOGIES FOR ABSENCE

2. 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.

3. DECLARATIONS OF INTEREST

A member with a disclosable pecuniary interest or a prejudicial interest in a matter who attends a meeting of the authority at which the matter is considered:

- (i) must disclose the interest at the start of the meeting or when the interest becomes apparent, and
- (ii) may not participate in any discussion or vote on the matter and must withdraw from the meeting room.

A member who discloses at a meeting a disclosable pecuniary interest which is not registered in the Register of Members' Interests or the subject of a pending notification must notify the Monitoring Officer of the interest within 28 days of the disclosure.

Disclosable pecuniary interests, personal interests and prejudicial interests are defined at Paragraphs 5-7 and Appendix A of the Members' Code of Conduct.

4. 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.

5. GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR (PAGES 3 - 56)

To consider an application by the Metropolitan Police for a review of the premises licence.

6. EXCLUSION OF THE PRESS AND PUBLIC

That the press and public be excluded from the meeting for consideration of item 7 as it contains exempt information as defined in Section 100a of the Local Government Act 1972 (as amended by Section 12A of the Local Government Act 1985); paras 1 & 2; namely information relating to any individual, and information likely to reveal the identity of an individual.

7. GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR (PAGES 57 - 58)

To consider an application by the Metropolitan Police for a review of the premises licence.

Bernie Ryan
Assistant Director – Corporate Governance and
Monitoring Officer
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Maria Fletcher
Principal Committee Coordinator
Tel: 020-8489 1512
Fax: 020-8489 5218
Email: maria.fletcher@haringey.gov.uk

Monday, 03 February 2014

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 11th February 2014

Report title: Application for a Review of a Premises Licence at GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR

Report of: The Licensing Team Leader

Ward(s) affected Muswell Hill

Purpose

To consider an application by The Metropolitan Police for a review of the premises licence at Grill Kebab House.

Summary of application

- The applicants – Metropolitan Police as a Responsible Authority are seeking a review of the Premises Licence with reference to the licensing objectives of the Prevention of Crime and Disorder.

Date review application served: 3rd January 2014

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. 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 2)
 - (d) relevant sections of the licensing authority's statement of licensing policy (appendix 3)

Report authorised by: Eubert Malcolm

A handwritten signature in black ink, appearing to read 'Eubert Malcolm'.

Regulatory Services Group Manager

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 PAPERS NOT FOR PUBLICATION

The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN

This page is intentionally left blank

4. REPORT

Background

A premises licence was originally granted to Mr Hatem Koc in November 2005 applied 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.

The license was subject to its first review in December 2011. This review was brought by the Enforcement Response team due to the premises license holder failing to comply with the conditions of their, namely operating beyond their permitted hours and not employing an SIA door staff.

Mr Koc has been operating at the premises for over 7 years. The premises is situated in a busy area that plays host to the late night economy at the weekends and is surrounded by 4 other late night dance venues.

Muswell Hill has over the past year to 18 months been a focal point of anti social behaviour and a specific tasking group was set up to deal with the issues.

One of the problems identified was the food premises which stayed open late in line with the nightclubs. The CCTV footage captured at the time showed that revellers coming out of the nightclubs to smoke or when leaving would loiter in the area longer to purchase food that was available from the Grill Kebab. This lead to congestion on the street outside and the anti social behaviour associated with people who have had been consuming alcohol for a period of time.

The Grill Kebab license was reviewed in 2010 and a condition was placed on the license requiring them to have door supervisors in order to manage the premises and the flow of people in and around the premises.

Mr Koc failed to employ doors staff on a regular basis and various warning letters were issued to him regarding this matter.

The Enforcement Response Team carried further observations following complaints and a 2nd review of the premises licence was applied for in Oct 2011. The Enforcement Response team witnessed the premises operating beyond its permitted hours and no door staff on site.

The Licensing Committee uphold the review and resolved to pull back the hours of operation for the Grill Kebab so that the premises operated to the same time as the KFC and closed before the night clubs emptied out people onto the busy street.

Mr Koc initially applied to appeal the decision so he was able to continue operating under the existing licence until the matter was resolved by the magistrates. Mr Koc then decided to withdraw his appeal and to operate to the new hours, but would then re-apply for a variation to his license at a later date after successfully complying with his new license.

Mr Koc applied to vary the license in July 2013 to have the SIA door staff requirement removed from the license and to extend the hours of provision of late night refreshment from 0300 to 0430 on Friday and Saturday. The current license is shown at Appendix 1A

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.

- 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.25 – 11.31. These provisions are attached at Appendix 3.
- 8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; page 46 and 47 Crime and Disorder, these provisions are attached at Appendix 4.
- 8.2 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

PROTECTIVE MARKING

Form 691


**METROPOLITAN
POLICE**
TOTAL POLICING
**Application for the Review of a Premises Licence or Club Premises Certificate
under the Licensing Act 2003**
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.

I Mark Greaves
**apply for the review of a premises licence under Section 51 of the Licensing Act 2003
for the premises described in Part 1 below**
Part 1 – Premises or club premises details
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

**Post code:
(if known)**

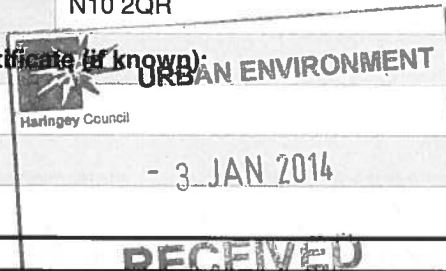
N10 2QR

Name of premises licence holder or club holding club premises certificate (if known):

Hatem Koc

Number of premises licence or club premises certificate (if known):

LN/000006334


Part 2 – Applicant details
I am:

Please tick Yes

1	an individual, body or business which is not a responsible authority (please read guidance note 1 and complete (A) or (B) below)	<input type="checkbox"/>
	a) a person living in the vicinity of the premises	<input type="checkbox"/>
	b) a body representing persons living in the vicinity of the premises	<input type="checkbox"/>
	c) a person involved in business in the vicinity of the premises	<input type="checkbox"/>
	d) a body representing persons involved in business in the vicinity of the premises	<input type="checkbox"/>
2	a responsible authority (please complete (C) below)	<input checked="" type="checkbox"/>
3	a member of the club to which this application relates (please complete section (A) below)	<input type="checkbox"/>

PROTECTIVE MARKING

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)									
Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:					First Names:				
I am 18 years old or over					<input type="checkbox"/>				
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)	
Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)	
Name and Address:	
Metropolitan Police, Unit 1 Quicksilver Place, Western Road, London N22 6UH	
Telephone Number (if any):	020 3276 0150
Email address: (optional)	mark.greaves@met.police.uk

This application to review relates to the following licensing objective(s)		
		Please tick one or more boxes
1	The prevention of crime and disorder	<input checked="" type="checkbox"/>
2	Public safety	<input type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>
Please state the ground(s) for review: (please read guidance note 2)		

PROTECTIVE MARKING

I bring this Review as I consider the venue has failed to uphold the Licensing Objective of Preventing Crime and Disorder. The venue has failed to comply with the License Condition relating to CCTV coverage and failing to supply Police with CCTV and thus obstructing the investigation into an Assault and a Criminal Damage. The venue has also opened beyond it's licensed hours.

CRIS 2814760/13 & CAD 1821 of Sunday 18/07/2013 entered at 0339 relates to an offence of Grievous Bodily Harm in Grill Kebab House. The call originated from the land line at the venue asking for Police with sound of disturbance in the background then phone hung up. Venue should have closed at 0300 and has a Condition on Licence: Last admission on Friday and Saturday 15 minutes prior to closing and no re-admittance allowed

Police on patrol in vicinity accepted this call at 0343 and put themselves on scene at same time. As they arrived they saw Suspect punch victim in the head knocking him to the floor and then kick him in the head. Suspect arrested. Suspect had entered venue and had an argument with Mr Bekats Tmur, venues manager, and as it became heated a customer, Victim, attempted to stop them and Suspect assaulted him. Suspect claimed self defence so CCTV of incident was required but never supplied.

This venue has a Condition on the Premises Licence stating:

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.

CID attended venue shortly after incident and requested a witness statement off Mr Tmur but he declined saying he was too busy. CID state there were still members of the public visiting the venue. Mr Tmur informed CID that CCTV would not be available until 1100 hours on Monday but assured officers he would make a DVD of the incident. Mr Tmur gave his address as the venue and the venues phone number 020 8444 2*** as only phone contact. This is despite the venue having a VHS system and tape could have been handed to Police within seconds.

The crime was assigned to DC Kay Sekyere who interviewed suspect and made many attempts to contact Mr Tmur to obtain a statement and collect CCTV of incident but he was never available. Eventually on 05/08/2013 staff informed him Mr Tmur had gone on holiday and they did not know when he would return. On each occasion staff informed Dc Sekyere they did not have access to CCTV system. Police never did get a statement or CCTV from venue which greatly hindered the investigation. The Licence holder Mr Hatem Koc works at the venue most days.

CRIS 2821256/13 relates to an offence of Criminal Damage at the venue on Sunday 27/10/13. CAD 2325 at 0440 hours. Member of public states there is a fight outside Grill Kebab. Police arrived to find the venues glass door had been smashed. Apparently males had attacked another male who had fled into the venue for safety and staff had locked the door to keep suspects out. Suspect threw a brick at door causing it to smash. Hatem Koc, Licence holder, was at scene and told Police suspects had driven away. The male who had entered the venue for safety was abusive to Police and refused any details. Mr Koc told Police the CCTV at venue only covers the inside not outside where suspects were and he could not give them CCTV as he could not operate it. Again this is despite system being a normal VHS player where pressing 'Stop' and 'Eject' would release tape.

On 30/10/2013 PC Davies contacted venue to make an appointment to collect CCTV of incident and take a statement from Mr Koc. Mr Koc told her the venues CCTV only covered the inside of venue. He also told her that the day after the incident a customer had told him he was present at the incident and the damage was an accident. He gave Mr Koc £100 and Mr Koc no longer wished to substantiate the allegation.

On Sunday 24th November at 0100 I attended Grill Kebab House. Mr Koc was not present, Mr Tmur said he was in charge and Mr Koc did the day shift. I informed Mr Tmur that CID had informed me they had not been given CCTV of an assault at venue. I asked to see CCTV system to ascertain that it fulfilled the Condition on the Licence relating to recording inside and outside venue and being kept for 31 days. Mr Tmur removed a roof panel that was not locked and told me the CCTV was in the roof. I asked if he had a ladder and he said I could stand on a chair. I asked what kind of system it was and he told me it was a video tape system which has one tape that continually over - rides every 24 hours. He also accepted there were no cameras covering outside venue. I pointed out the Condition relating to CCTV on the Licence and he said he would look into the matter.

On Friday 29th November at 1400 I attended Grill Kebab and spoke with Hatem KOC about the CCTV. He told me Mr Tmur had told him of my visit and he was having a digital system fitted on Tuesday, 3rd December that would fit Licensing Conditions for venue. I asked to view the tape from the VHS machine to ascertain quality it records 24 hours. Mr Koc reached into the ceiling and removed 3 VHS tapes. I asked how many tapes he had and was told just those three. I viewed one and it was on real time and film was dated 30th June 2010. I confirmed that the recorder is a normal household VHS and they record in real time which gives them 4 hours per tape. Whilst the 4 hours would cover the licenced hours of 2300 - 0300 he only had 3 tapes and one had not been used for over 3 years so he was not complying with keeping footage for 31 days and both him and Mr Tmur could have handed the tape to Police on request although as it was after 0300 on both occasions it may have stopped recording as 4 hours real time is all tape will hold. I noticed only one of the 2 cameras had recorded and was told only one camera is connected to recorder. I informed him CID had complained that CCTV was not supplied after an assault took place in the venue and he never replied

PROTECTIVE MARKING

Please provide as much information as possible to support the application: (please read guidance note 3)

On Saturday 14/12/13 I was dealing with a violent incident at a club near to venue with Dale Barrett. On finishing as we returned to the Police vehicle I noticed venue was open with 9 customers inside being served by staff including Mr Tmur. The time was 0355. I told Mr Tmur the venue should have closed at 0300 and he told me he was closing now and pulled the front shutters down as we left.

PROTECTIVE MARKING

[Large empty rectangular box for protective marking]

Please tick Yes

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.

I understand that if I do not comply with the above requirements my application will be rejected.

PROTECTIVE MARKING

Have you made an application for review relating to this premises before?

(Please tick yes)

Day

Month

Year

If yes, please state the date of that application:

--	--	--	--	--	--	--	--	--	--

If you have made representations before relating to this premises please state what they were and when you made them:

PROTECTIVE MARKING

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). **If signing on behalf of the applicant please state in what capacity.**

Signature:		Date:	28th December 2013
Capacity:			

Contact name (where not previously given) **and postal address for correspondence associated with this application:** (please read guidance note 6)

Mark Greaves PC 164YR

Post town:	London	Post code:	N22 6UH
-------------------	--------	-------------------	---------

Telephone Number (if any):

020 3276 0150

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

mark.greaves@met.police.uk

Notes for Guidance

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

YR DIVISION

INCIDENT No. 2325 entered at 04:40 on 27OCT13 by 088784/H2782 in CCC/IR

Rec By :E (Emergency)
 Call Tel :079*****
 Call Name:MALE
 Call Type:T (Third Party)

Att Locn :MUSWELL HILL BROADWAY;O/S KEBAB SHOP
 Map :Page 121, Grid Reference 528625,189675
 GPA :YM [Division: YR:SX]

Inc Locn :MUSWELL HILL BROADWAY;O/S KEBAB SHOP
 Map :Page 121, Grid Reference 528625,189675
 GPA :YM [Division: YR:SX]

Call Locn:MUSWELL HILL BROADWAY;O/S KEBAB SHOP
 Map :Page 121, Grid Reference 528625,189675
 GPA :YM [Division: YR:SX]

Opening 1:001 (Violence Against The Person).
 Prompt(s) existed for Opening Code(s) at time of creation

Open Text:
 Urgency :I (Immediate)
 VRMs :
 Proposal :(BOCU at 04:42/27OCT13):ST442 YR81N YR2N YR435 YR441 I99
 Assigned :
 DeAssign :YR83N, YR20N, YR22N
 TOA :04:46:39/27OCT13

INCIDENT No. 2325:27OCT13

Remarks:

Time	Date	Opid	Termid
04:42:41	27OCT13	088784	H2782
		^OP-- GROUPS OF PEOPEL FIGHTING .. THEN EVERYTHING CLEARED.	
04:44:27	27OCT13	227942	B3329
		^397YR..MAY BE ACROSS THE ROAD FROM THE VILLAGE	
04:44:27	27OCT13	227942	B3329
		^397YR..MAY BE ACROSS THE ROAD FROM THE VILLAGE	
04:46:13	27OCT13	103427	H2547
		^OP NR CAFE LOCO INFT STATES SOME MALES GOT INTO A CAB AND ANOTHER MALE HAS WALKED BACK TOWARDS THE KEBAB SHOP	

INCIDENT No. 1821 entered at 03:39 on 28JUL13 by 082768/B3293 in CCC/IR

Rec By :E (Emergency)
Call Tel :0208444****
Call Name:BANGOR
Call Type:O (Other Agency)
Att Locn :(SCENE)270 MUSWELL HILL BROADWAY,N10:THE GRILL KEEBAB HOUSE

Opening 1:300 (Abandoned Call)
Urgency :I (Immediate)
VRMs :
Proposal :(BOCU at 03:41/28JUL13):ST440 ST441 YR82N YR84N YR2N YR434 YR436
TOA :03:43:04/28JUL13
CRIS :2814760/13

Time	Date	Opid	Termid	
	28JUL13	082768	B3293	(pre 1st routing)
				REQUEST FOR POLICE ,LARGE DISTURBANCE HEARD..NO ONE SPEAKING TO ME
03:44:43	28JUL13	093776	B3329	
				LAS^MPS
				Organisation:LONDON AMBULANCE SERVICE
				Location:
				272 MUSWELL HILL BROADWAY,N10:O/S
				Location Sent As:
				272 MUSWELL HILL BROADWAY ,N10 ":O/S
				Assistance:AMBULANCE
				Mapref:121/528625,189675

IU:

Crime Type: H/O Crime Type: Allegation (Prefix):

Allegation:

Committed on/from Date: / / Time:

Committed to Date: / / Time:

Reported Date: / / Time:

How Notified:

Restriction Level: Unrestricted Restricted Confidential

By: Date: / /

Restriction Reason:

OMPD?

Address:

Location Text:

GLU: Local Id: Grid Ref:

Watch Area:

of VICTIM/INFORMANT/WITNESS Total - Witnesses: Victims:

Role(s): Victim Informant Witness

CAIT Subject No:

Co/Public Body? Sex: Male Female Unknown Title: Lookup

Surname: Co./Forenames:

Date of Birth: / / Age Estimated? App. Age or From: To:

Ethnic Appearance: Lookup Self Classified Ethnicity:

Occupation: Lookup Occupation Relevant to Offence: Yes No

School or College:

GRILL KEBAB HOUSE 270, MUS
LONDON, N10 2QR

GLU: Local Id: Grid Ref:

Home Intelligence Unit:

Contact Details:

Preferred Contact Method: E-mail Phone Letter SMS/Text Visit
 Contact Not Applicable/Available

Home: Business: Mobile:

Other: Email:

CAD 1821 28/07/2013 refers.

[Details...](#)

Trojan 314 in attendance.

Officers on patrol and as they went to drive past the venue the suspect was seen to punch VIW1 in the head. VIW1 was on the floor and the suspect

proceeded to kick him.

Officers approached and detained the suspect and render first aid to VIW1. Suspect subsequently arrested for GBH and transported to HORNSEY POLICE STATION and detention was authorised.

PRIMARY INVESTIGATION DETAILS : 2 - Scene

The incident took place outside 270 MUSWELL HILL BROADWAY N10 2QR which is the GRILL KEBAB HOUSE.

PRIMARY INVESTIGATION DETAILS : 3 - Forensics

Clothing will be seized from VIW1. YR5 informed and attended the scene. Scene made secure therefore crime scene in place.

PRIMARY INVESTIGATION DETAILS : 4 - Victims/Witnesses

VIW1, VIW2, VIW3, VIW4 are witnesses to the incident. VIW1 is also a victim. VIW1, VIW2 and VIW3 are friends and VIW4 is the Manager of the Kebab shop, Mr Bekats TMUR.

PRIMARY INVESTIGATION DETAILS : 5 - Suspects

Suspect as described on suspect page.

PRIMARY INVESTIGATION DETAILS : 6 - Other evidence

Trojan 314 consisted of PC 4418CO, 4437CO and 5149CO.

Details...

The following clothing from the suspect is exhibited by arresting officer PC Wooler.

Details...

Pair of blue jeans exhibited and NCW/1 seal number 5291208Z

left trainer is exhibited as NCW/2 seal number Z10551819

right trainer is exhibited as NCW/3 seal number Z10551820

Polo shirt is exhibited as NCW/4 seal number 5291207Z

Black body warmer type jacket is exhibited as NCW/5 seal number Z10221656

CCTV is located at the venue and YR5 was made aware of this.

Details...

Details...

YR 5 A/DS Bent, T/DC Hibbert and T/DC Gittens attended.

INCIDENT DETAILS

Victim, VIW2 and VIW3 have been in the Grill Kebab house after a night out at Locos bar in Muswell Hill. They have witnessed an argument between suspect and Mr TMUR at the kebab shop. Victim has tried to intervene to calm

suspect down. This has resulted in suspect attacking victim. He has punched him to the floor and hit him several more times in the face causing a cut to victims ear. Details...

Trojan units have been driving past and have witnessed suspect attacking victim. They have arrested suspect at scene after pulling him off victim.

FORENSICS

The assault has taken place in the door of the kebab shop. Due to the time of night and the amount of people in the area Trojan were unable to establish and preserve a scene.

Upon the arrival of YR5 there were many members of public in the scene and walking through it going to and from the kebab shop. It was decided that any forensic opportunities that may have been were lost with people walking through the scene and SOCO were not deployed.

CCTV

The incident may have been captured by the CCTV at the 'Socialite Bar' next door to the kebab shop. It was not available for download at the time.

The grill kebab shop has captured the incident. CCTV available for pickup on Monday. T0208444****

The incident was not captured on local authority CCTV as they were using their cameras for traffic enforcement at kicking out time.

WITNESSES

The incident was witnessed by VIW2 and VIW3. Statements have been

taken from both witnesses, paper work is with the suspect's custody record.

Bektas TMUR is the manager of the grill kebab shop, he was unable to provide a statement at the time but is willing to do so. He has informed police that CCTV will be ready for collection on Monday at 11:00. He can be contacted on T0208444****

VICTIM

Victim was conveyed

to the Whittington Hospital. 268YR is continuity officer. At time of writing it is not known if injuries are life threatening or life changing. The victim is due to go for x-ray/head scan before he is discharged. Officers have been directed to seize his clothing. Injury has been photographed by YR5.

Details...

SUSPECT

Suspect arrested at scene. Clothing seized, booked in on his custody record.

Suspect is drunk at time of writing and has been uncooperative in custody. He has refused to say if he wants a solicitor or not.

DC Seyke interviewed the suspect with a solicitor present

Details...

The suspect stated the following :- (details extracted from MG 3 completed by DC Sekyere)

The defendant was then interviewed on 28th July 2013 and with his solicitor he admitted being present during the incident, admitted assaulted the victim but stated it was done in self defence and out of fear for his personal safety.

The defendant can't remember what time he left the bar but he then decided to go to the Kebab Shop to ask for a lighter for his cigarette, he went to the Kebab shop because it

was the nearest shop, adjacent to Bar.

Details...

He asked a member of staff behind the counter of the kebab shop to give him a lighter which he was refused, despite the fact there was a lighter present. An argument ensued whereby the defendant and the kebab shop keeper argued at length. He recalls swinging for the member of staff and their hands connecting in a high five motion. Then the member of staff pulled out a knife while behind the counter, the defendant was held from behind by a male, the victim in this case, fearing for his safety he turned

<p>around and punched who ever was holding him knocking him to the floor. The defendant was then detained by police. It all happened really quickly.</p> <p>Prior to</p>	
<p>speaking to the CPS, DC Corry contacted the victim who informed her that he had made his way to the Royal Free Hospital after being referred by Whittington Hospital. He informed DC Corry that his operation was going to take place this evening and he thought that his ear may be stapled or stitched by he was not totally sure until the operation had taken place.</p>	<p>Details...</p>
<p>I have been unable to contact the victim in this case as we have no contact details for him. Additionally I need to obtain a statement from Mr TMUR but I have been informed he is away on holiday and unlikely to return soon.</p> <p>Need to speak to Mr TMUR and obtain any possible CCTV. More to follow</p>	<p>Details...</p>
<p>Mr TMUR is still away, additionally I have been informed that there is no one available within the store that can assist with CCTV.</p> <p>I will attend the store again, in order to progress this case. More to follow.</p>	<p>Details...</p>
<p>I have visited Mr TMUR's store on numerous occasions, I have been told he has travelled to Turkey and the date of his return keeps continually changing.</p> <p>I was unable to seize the CCTV machine as it is secured in the roof, inaccessible. Additionally all attempts to contact Mr TMUR to obtain the CCTV footage has been rebuffed.</p>	<p>Details...</p>
<p>Suspect is re-bailed to Thursday 29/08/13 at 17:00hrs to attend Hornsey Police Station.</p> <p>Due to the lack of evidence provided by Mr TMUR in this case, I will attempt to speak to the victim and ascertain his opinion prior to the Bail to Return Date.</p>	<p>Details...</p>
<p>Subject was arrested on 6th June 2013, whereby it was alleged that he assaulted another male outside of a kebab shop within Muswell Hill. Causing injuries to the victims ear. The subject alleges that he punched the victim in self defense.</p> <p>The matter was put to CPS, and CPS declined to charge requesting that further enquires are completed in relation to the subject account that he acted in self defence. These enquires have now been completed and evidence occurs with the subjects account that he acted in self defence.</p> <p>Main Action:</p>	<p>Details...</p>

Contact Mr TMUR and obtain CCTV

Firstly regarding Mr TMUR, I have been told on numerous occasions the Mr TMUR is currently away on holiday in Turkey, however, the date of his return to UK continually changes.

Additionally regarding the CCTV I have been told by numerous staff members that they do not have any access to the CCTV device and are unable to view or download the material.

Screening Decision:

IU:

Crime Type: H/O Crime Type: Allegation (Prefix):

Allegation:

Committed on/from Date: / / Time:

Committed to Date: / / Time:

Reported Date: / / Time:

How Notified:

Restriction Level: Unrestricted Restricted Confidential

VENUE

OMPD?

Address:

Location Text:

No: of VICTIM/INFORMANT/WITNESS Total - Victims: Witnesses:

Role(s): Victim Informant Witness CAIT Subject No:

Co/Public Body? Sex: Male Female Unknown Title:

Surname: Co./Forenames:

Date of Birth: / / Age Estimated? App. Age or From: To:

Ethnic Appearance: Lookup Self Classified Ethnicity:

Occupation: Lookup Occupation Relevant to Offence: Yes No

School or College:

National of 1: Lookup Passport No 1:

National of 2: Lookup Passport No 2:

Religion: Lookup

VIW No: of VICTIM/INFORMANT/WITNESS Total Victims: Witnesses:

Role(s): Victim Informant Witness CAIT Subject No:

Address:

GLU: Local Id: Grid Ref:

Home Intelligence Unit:

Contact Details:

Preferred Contact Method: E-mail Phone Letter SMS/Text Visit
 Contact Not Applicable/Available

Home: Business: Mobile:

Other: Email:

of PROPERTY DETAILS VIW No:

Property Type: Lookup Status: Lookup

Value Stolen £: Value Damaged £: Value Handled £:

Make: Model:
 ID Number / ID Number /
 Individ/fro m: Individ/to:

IMEI No:

Property Mark:

Inscription:

Description:
 Inc Damage:

Victim considers property item to be Art or Antique?

Of NIB Interest? Yes No

Print Property Form

<p>PRIMARY INVESTIGATION DETAILS : 1 - Immediate action</p> <p>1. CAD 2364/27OCT13 YR22N - PC MCGROARTY and PC BALSDON YR20N - PS HANNAH and PC WILSON</p> <p>2. Police were called to a fight that was happening outside a kebab shop on Muswell Hill Broadway involving several males armed with bottles and other weapons.</p> <p>Police arrived and there was a large group gathered outside the venue and the door to the venue had been smashed and there was shattered glass on the floor. VIW1 stated that a Male had been fighting with the suspects and ran in to the shop. VIW1 then shut the door to the venue and locked it to prevent the suspects getting to the male. The suspects then threw a brick at the glass door causing it to smash and then began to kick it to gain entry. The</p>	<p>Details...</p>
---	-------------------

suspects then went to Veh1 which was parked outside and got several screwdrivers and other unknown weapons and threatened to stab the male.

VIW1 then stated that the suspects ran back to Veh1 which drove down MUSWELL HILL towards HORNSEY.

Officers spoke to the male who the suspects were after and he was very aggressive towards officers and would not provide any further details. The male was adamant the suspects had a gun in their possession although he would not elaborate on the firearm.

No other people present claimed to see a firearm but stated that the suspects did have glass bottles and screwdrivers.

PRIMARY INVESTIGATION DETAILS : 2 - Scene

1. Venue is a kebab shop on MUSWELL HILL BROADWAY in between SOCIALITE BAR and CAFE LOCO's.
3. VIW1 had already begun cleaning the scene due to wanting to close the premises and secure it.
4. Officers were initially directed by MOP's to DUKES AVENUE however were later informed that the suspects had made off down MUSWELL HILL towards HORNSEY. N/T

PRIMARY INVESTIGATION DETAILS : 3 - Forensics

4. There appeared to be no visible forensic opportunities. VIW1 was in process of clearing the broken glass in order to close the venue and secure it. No weapons/tools had been left at the scene by the suspects.

PRIMARY INVESTIGATION DETAILS : 4 - Victims/Witnesses

2. There was a large group of people present outside the venue who claimed to have been present but were no forthcoming to police and would not provide details.

PRIMARY INVESTIGATION DETAILS : 5 - Suspects

1. Suspects were described as 4 IC3 Somalian Males. No better description.

PRIMARY INVESTIGATION DETAILS : 6 - Other evidence

1. VIW1 stated that the venue does have CCTV however this only covers the inside of the venue and not outside. The CCTV was not recovered due to VIW1 not able to work it.

Haringey CCTV were contacted and they stated that the camera was zoomed out and picked up nothing.

There are cameras outside CAFE LOCO's and SOCIALITE BAR but both venues were shut on police arrival.

Go to page Go

	Details...
	Details...

	Details...
	Details...
	Details...
	Details...
	Details...
	Details...

There is no YR CCTV but there are 2 venues, Locos and Socialite Bar that may have CCTV covering this incident.

The primary focus of this investigation is CCTV.

~~~~~  
If CCTV is available complete the following:

Attend venue (kebab shop) and seize the CCTV. Take a statement with regard to the damage, which should also incorporate the exhibiting of the CCTV footage.

Evaluate the

footage for suitability for circulation - does it provide suitable facial images which could lead to a potential identification. If so, please circulate through the METBAT system.

Details...

Details...

30/10/2013 1450 hours PC 170 YR Davies contacted VIW and introduced myself as the investigating officer. VIW said that the CCTV only has coverage on the inside of the shop and the socialite and Cafe Loco have CCTV that covers the pavement area outside.

I said I will attend next week when I am on a late shift to get a statement

Details...

Details...

Details...

Details...

Details...

Details...

Details...

Details...

Details...

Details...

and VIW said that the next day one of his customers came in to say he feels responsible for the damage as he had a fight with another Somalian when the door was accidently damaged and gave him £100 pound towards the damage which VIW1 accepted and he no longer wants to substantiate the allegation.

APPENDIX 1A – COPY OF CURRENT PREMISES LICENCE



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):**

N/A

**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:**

- Last admission on Friday and Saturday 15 minutes prior to closing and no re-admittance allowed

**Annex 1 –Mandatory Conditions**

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

- 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**

**REVIEW RESOLUTION OF 1<sup>ST</sup> DECEMBER 2011**

It was the Committee's decision to allow the licence to continue but only on the following terms, that the conditions of the licence be modified as follows:

1) Hours for the Provision of Late Night Refreshment:

|                      |              |
|----------------------|--------------|
| Sunday to Thursday:  | 2300 to 0200 |
| Friday and Saturday: | 2300 to 0300 |

2) SIA-approved door staff are to wear, at all times whilst on duty, high visibility jackets.

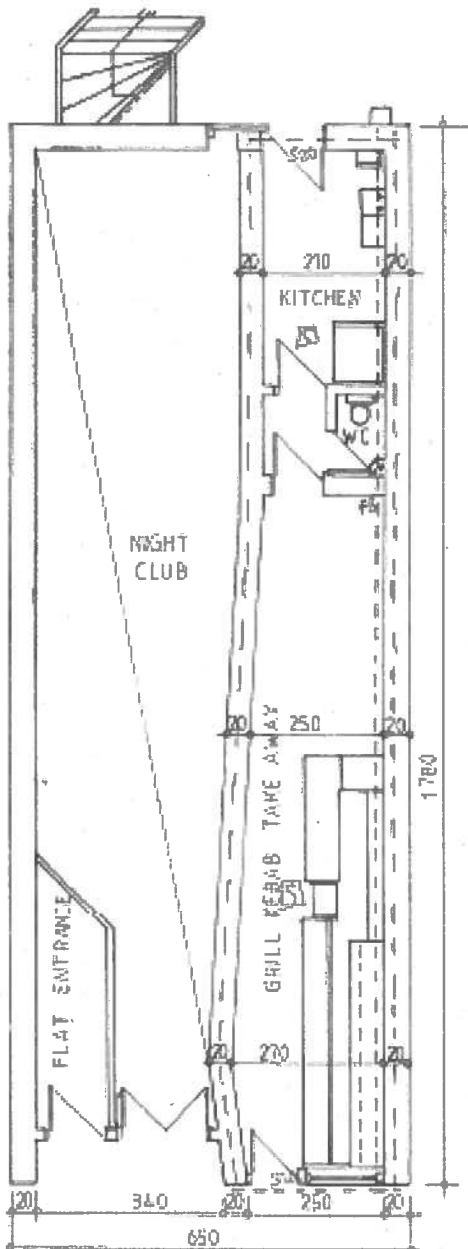
**REVIEW RESOLUTION OF 11<sup>th</sup> SEPTEMBER 2012**

The Committee decided that it was appropriate and proportionate to refuse the application as it was persuaded by the evidence of the Licensing Officer that to allow the extension of operating hours, requested by the applicant, would contribute to the increase of public nuisance in the area.

However, it was accepted that there was no longer a need for SIA door staff to be employed at the premises.

Finally, the Committee was concerned that the applicant was knowingly operating outside the terms of his existing licence, as advised by the Enforcement Officer and as conceded by the applicant, and would like to make it clear that this breach must not reoccur in the future.

Annex 4 - Plans



EXISTING GROUND FLOOR PLAN

- Ambit of Licence
- S20 Fire Escape Keep Clear
- PB - Fire Blanket
- S - smoke Detector

PROJECT

270 MUSWELL HILL  
BROADWAY LONDON  
N10 2QR

DRAWING TITLE

EXISTING FRONT-REAR-  
SIDE ELEVATION & GROUND  
FLOOR PLAN

DRAWN BY

ISMET VURAL

SCALE: 1/100

REF NO 2005/001047

**APPENDIX 1B – COPY OF THE RESOLUTION FROM PREVIOUS REVIEW HEARING**

MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
THURSDAY, 1 DECEMBER 2011

Councillors Beacham, Brabazon and Peacock

|                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--|
| <p><b>SLSC13.</b></p> | <p><b>ELECTION OF CHAIR</b></p> <p><b>RESOLVED</b></p> <p>That Cllr Peacock would take the Chair for the meeting.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| <p><b>SLSC14.</b></p> | <p><b>APOLOGIES FOR ABSENCE</b></p> <p>There were no apologies for absence.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |  |
| <p><b>SLSC15.</b></p> | <p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |  |
| <p><b>SLSC16.</b></p> | <p><b>DECLARATIONS OF INTEREST</b></p> <p>There were no declarations of interest.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |  |
| <p><b>SLSC17.</b></p> | <p><b>SUMMARY OF PROCEDURE</b></p> <p><b>NOTED</b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |  |
| <p><b>SLSC18.</b></p> | <p><b>APPLICATION FOR A REVIEW OF A PREMISES LICENCE AT GRILL KEBAB HOUSE, 270 MUSWELL HILL BROADWAY, LONDON N10 2QR</b></p> <p>The Licensing Officer, Dale Barrett, presented the report on an application made by the Enforcement Response Service for a review of the premises licence at Grill Kebab House, Muswell Hill. The application had been made on the grounds that it was alleged that the licensee had been permitting the premises to open after its permitted hours, causing noise nuisance and obstruction to the pavement outside, thereby posing a risk to public safety. It was also alleged that the premises had not been using door staff, in contravention of the conditions on the licence, and had been operating outside of its permitted hours. Evidence had been submitted that the premises had been found open at 4.10am, with no door staff on duty, on two occasions in October 2011. Representations had been made by the Metropolitan Police, who had submitted CCTV images of the footpath outside the premises. The Committee was reminded of the steps available to it in order to uphold the licensing objectives.</p> <p>In response to questions from Jerome Wilcox, legal representative for the licensee, the Licensing Officer confirmed that the condition requiring door staff to be on duty from 10pm had come about as the result of an</p> |  |

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
THURSDAY, 1 DECEMBER 2011**

agreement by the licence holder to a request by the Police. Ms Barrett confirmed that the requirement for a licence to provide Late Night Refreshment did not come into effect until 11pm.

Pauline Hearfield, Police Community Support Officer, read out her statements as included in the papers for the meeting. Sgt David Williams, Metropolitan Police, then spoke to the CCTV images which had been supplied, and described the ongoing issues related to crime and disorder and public safety in Muswell Hill and specifically in the immediate vicinity of the premises, where a number of other businesses were also located. It was reported that it was difficult to attribute incidents to specific premises. Sgt Williams showed photographs taken in the early hours of the morning on 28 May 2011 and 4 June 2011, illustrating that the pavements were blocked by crowds of people outside the premises, and that there were cars parked illegally in the area. It was reported that these issues occurred throughout the night and caused dangerous obstructions to both the pavement and road.

In response to questions from the Committee, Sgt Williams advised that there were similar concerns in respect of other premises in the area, due to the nature of the location. The Committee noted the closing times of other premises in the area, as set out in the report, and Sgt Williams advised that, after customers had left the other venues, they were encouraged to stay in the area by having food outlets which were still open, and that it would be preferable if all of the premises closed at the same time, so that people were not encouraged to remain in the area.

In response to questions from Mr Wilcox, officers gave details of the capacity of other premises in the vicinity and the number of door staff on duty at these premises. Mr Wilcox asked whether it would be fair to say that there was already a saturation of door staff in the area, in response to which Sgt Williams advised that there were issues in that it was known that not all of the door staff employed at other premises were fully SIA-approved.

Mr Wilcox asked why review proceedings were being taken against this premises, which was the smallest of the businesses in the area, and not against other premises. Ms Barrett clarified that it was the Enforcement Response Service who had made the application for a review and not the Police. It was advised that there was a background of the Police working with venues in the area to improve the situation, as a result of which one premises had voluntarily reduced its hours of operation and another had ceased trading for a period and had recently reopened. In response

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
THURSDAY, 1 DECEMBER 2011**

to a question regarding why the number of doormen required for Grill Kebab House had been reduced from two to one when the licence variation had been granted, it was reported that this was on the basis of cost and the size of the premises, in agreement with the Police.

George Nicolaou, Enforcement Response Service, read out the supporting information provided for the review application, as set out in the agenda pack. In response to a question from the Committee it was confirmed that there was no copy of the letter sent to the premises on 9<sup>th</sup> October 2011 regarding the review, as reported in the log of events, and that the Committee should give appropriate weight to this in its deliberations, given that no evidence of the letter had been provided.

Mr Wilcox addressed the Committee in response to the application, on behalf of the licensee of Grill Kebab House. Mr Wilcox rejected the suggestion that the premises was contributing to noise nuisance and endangering public safety, as it had already been acknowledged that it was not possible to attribute issues in the area to any specific venue. It was further submitted that the width of the pavement outside the premises was not relevant to the matter in hand as this was not an issue over which the management of the premises had any influence. Mr Wilcox stated that the two issues for consideration were those of the SIA-registered door staff, and the operating hours.

Mr Wilcox advised that the premises had been trading for several years and had not been the subject of a review application previously, in fact an application for the extension of hours and reduction in conditions had previously been granted. It was reported that the licensee had a financial commitment to the premises, which provided financial support for himself and a number of staff members. Mr Wilcox stated that the existing licence only required a door supervisor until close of business which was 0345 in accordance with the permitted hours, and therefore there had been no breach in respect of a door supervisor not being present at 0410 on the occasions when enforcement response had visited the premises at this time. Mr Wilcox further asserted that, when visits had been made prior to 2300 and a door supervisor had not been present, legally the requirement for a licence would not commence until 2300, and so it was an unnecessary burden for the licensee to provide door supervision from 2200 as stated in the condition on the licence. In the instances where a door supervisor had been reported as not being present but on their way, Mr Wilcox advised that the licensee had had issues with the company contracted to provide security ensuring that staff arrived for duty on

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
THURSDAY, 1 DECEMBER 2011**

time, and that he had no control over this situation.

In respect of the statements suggesting that the premises had been trading after its permitted hours, Mr Wilcox stated these did not suggest that the officers had witness food being prepared, and that what had been seen was staff from neighbouring premises collecting pre-ordered food only. Mr Wilcox stated that he had advised the licensee that this should not take place, as it might give the impression that the premises was trading after its permitted hours, but stated that, as the premises had not been open to members of the public and food was not still being prepared, this was not technically a breach of the existing licence.

Mr Wilcox stated that his client wished to be compliant with his licence, but was in a position where he was surrounded by a number of other businesses and that problems witnessed in the area could not be attributed to any specific premises. It was also noted that Grill Kebab House did not have a licence to sell alcohol. Mr Wilcox advised that, in the circumstances, it would be wrong to reduce the operating hours of the premises and that an informal warning to the licensee might be an option for the Committee. The licensee took on board the complaints made and wanted to address the issues and made the business work. He was aware that, were a further review application made, there could be serious consequences.

In response to a question from the Committee, the licence-holder confirmed that a large proportion of their business was after 11pm on weekends. The Committee asked why a response had been given repeatedly that a door supervisor was coming later when it had been observed that none was on duty, in response to which Mr Wilcox advised that when the licensee had been let down by his contractor, his only option was to phone them up and ask them to send someone. Mr Wilcox confirmed that the licensee fully understood that it was his responsibility to ensure that conditions of the licence were complied with, but that he was subject to the performance of the contractor used for providing security staff, over which he had no control. It was suggested that the licensee should consider changing contractor for these services. The Committee asked whether the previous warnings issued in response to observed breaches of the conditions indicated that attempts had been made to address the issues raised without resorting to a review, in response to which Mr Wilcox advised that these were over a long period of time, and that there may not have been an actual breach of conditions on previous occasions.

The Committee adjourned for deliberations.

**MINUTES OF THE SPECIAL LICENSING SUB COMMITTEE  
THURSDAY, 1 DECEMBER 2011**

**RESOLVED**

The Committee carefully considered the application for a review by the Enforcement Response Team in respect of Grill Kebab House and heard from the legal representative for the licensee and the representatives from the Enforcement Response Team and Metropolitan Police. The Committee also took into account the Council's statement of licensing policy and section 182 of the guidance.

It was the Committee's decision to allow the licence to continue but only on the following terms, that the conditions of the licence be modified as follows:

1) Hours for the Provision of Late Night Refreshment:

Sunday to Thursday: 2300 to 0200  
Friday and Saturday: 2300 to 0300

2) SIA-approved door staff are to wear, at all times whilst on duty, high visibility jackets.

The Committee did not consider that the current premises holder had been managing the premises in accordance with the terms of the licence or having regard to the licensing objectives, however the Committee did accept the submissions made by the representative for the licence holder that point 1 and point 2 of the grounds for review, to be found at page 11 of the agenda pack, were not applicable to this review.

Please note that this decision is stayed from coming into effect for 21 days after the date of the decision, pending any appeal that might be made and the determination of that appeal.

Informative

As an informative, the Committee would like to stress to the licence holder that it is his responsibility to adhere to the terms of his premises licence, and to ensure that the necessary arrangements are made to achieve compliance.

The meeting closed at 13:30 hrs.

APPENDIX 1C – COPY OF THE RESOLUTION FROM PREVIOUS VARIATION  
HEARING

**Licensing Team**  
1st Floor, Technopark, Ashley Road, Tottenham, London N17 9LN  
Tel: 020 8489 8232 Fax: 020 8489 5528  
[www.haringey.gov.uk](http://www.haringey.gov.uk)



Licensing Team Leader Daliah Barrett -Williams

**Haringey** Council

Your ref:

Date: 12<sup>th</sup> September 2012

Our ref:

Direct dial: 020 8489 8232

Email: [Daliah.barrett@haringey.gov.uk](mailto:Daliah.barrett@haringey.gov.uk)

**For a large print copy contact 020 8489 8232**

**Mr Hatem Koc  
Kebab Bar Grill  
270 Muswell Hill  
London N10**

LICENSING ACT 2003 – HEARING DECISION NOTICE

**KEBAB BAR AND GRILL, 270 MUSWELL HILL, LONDON N10**

I write to advise you of the outcome of the Licensing Committee hearing that took place on 11<sup>TH</sup> September 2012.

I have included the outcome of the hearing, if you have any queries please do not hesitate to contact me.

**GRILL KEBAB HOUSE, 270 MUSWELL HILL (FORTIS GREEN WARD)  
RESOLVED**

The Committee carefully considered the application, all representations, the Council's Statement of Licensing Policy and the Section 182 guidance. It was noted that the prevention of public nuisance was the only licensing objective that was of particular concern in this application.

The Committee decided that it was appropriate and proportionate to refuse the application as it was persuaded by the evidence of the Licensing Officer that to allow the extension of operating hours, requested by the applicant, would contribute to the increase of public nuisance in the area.

However, it was accepted that there was no longer a need for SIA door staff to be employed at the premises.



2005-2006  
Getting Closer to Communities



INVESTOR IN PEOPLE

Finally, the Committee was concerned that the applicant was knowingly operating outside the terms of his existing licence, as advised by the Enforcement Officer and as conceded by the applicant, and would like to make it clear that this breach must not reoccur in the future.

You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Haringey Magistrates Court is: Haringey Magistrates' Court, Bishops Road, Highgate, London N6 4HS. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.

**If any of the above is unclear or you require further clarification please contact me on 0208489 8232.**

**Yours sincerely,**

**DALIAH BARRETT  
LICENSING TEAM LEADER**

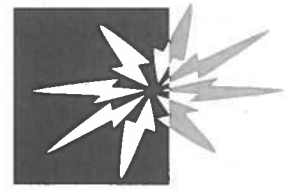


2005-2006  
Getting Closer to Communities



INVESTOR IN PEOPLE

**APPENDIX 2 – ENVIROMENTAL HEALTH- ENFORCEMENT RESPONSE  
REPRESENTATION**



**Haringey** Council

## Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Derek Pearce

Our Reference: WK273243

Date: 14<sup>th</sup> January 2014

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

Type of application: Review

---

I would like to confirm that I have considered the above Review on behalf of the Enforcement Response (Noise) Team & would like to make a representation

A review of this Premises Licence was previously heard on Thursday 1<sup>st</sup> December 2011

The application had been made on the grounds that it was alleged that the licensee had been permitting the premises to open after its permitted hours and obstruction to the pavement outside posing a risk to public safety. It was put forward that the premises had not been using door staff, in contravention of the conditions on the licence at the time, and had been operating outside of its permitted hours.

Representations had also been made by the Metropolitan Police, who had submitted CCTV images of the footpath outside the premises. CCTV images illustrated that the pavements were blocked by people outside the premises.

The Committee noted the closing times of other premises in the area, as set out in the report, and Police evidence was that after customers had left the other venues in the immediate vicinity they were encouraged to stay in the area by the food outlets which were still open and that it would be preferable if all of the premises closed at the same time, so that people were not encouraged to remain in the area. It was the Committee's decision to allow the licence to continue but only on the condition that the licence be modified. The Committee did not consider that the premises holder had been managing the premises in accordance with the terms of the licence or having regard to the licensing objectives.

On 12<sup>th</sup> August 2012 the duty Enforcement Response officer George Roberts visited at 03:18, spoke to the Manager Mr Hitem Koc and saw on the Premises Licence summary on display at the premises that the venue was licensed to sell food until 03:45.

This was later identified as an out of date (not valid) document and Mr Koc was warned about future unlicensed activity. It was our view that this was a deliberate attempt to flout the Premises Licence which was amended at the Review to bring the hours back to 03:00. The Premises Licensee was quite aware of the situation following the Review.

On 19<sup>th</sup> August 2012 at 03:20 the duty Enforcement Response officer Charles Buckle found the premises open & still serving some 6 customers as he passed. On that occasion he had no time to visit due to other pressing calls.

On 26<sup>th</sup> August 2012 @0325 the duty Enforcement Response officer, George Roberts found the premises open and serving hot food to customers. He spoke to Bektis Koc (Manager) and asked him to shut the premises immediately and reminded him of the time permitted under the current license.

On 24<sup>th</sup> August 2013 Derek Pearce visited at 03:20 and found the premises open for business. He warned Mr Koc that he should close and comply in future with his licence conditions. He was not assured by his response that he would comply in future as he gave the impression that if he still had food left to sell he would stay open to sell it.

On 24<sup>th</sup> November 2013 Mr Eastwood visited the premises at 03:12. There were no customers in and food was being taken out of the display cabinet. The Licensee was holding a key coming towards the front door intending to lock it. He asked why the door was open and he said they had had about 20 people in just before 3am and it had taken a little while to move them out. There is a condition that the last admission on Friday and Saturday is 15 minutes prior to closing and no re-admittance is allowed. 24<sup>th</sup> November 2013 at 03:12 was a Saturday night / Sunday morning and so the premises should not have been open after 02:45.

On 14<sup>th</sup> December 2013 Mr Eastwood visited the premises at 03:08. He drove past slowly and could see the front door was wide open and there were four people stood at the counter. The owner saw him as they passed. Mr Eastwood parked and walked back to the area and stood on the opposite side of the street from the premises. He could now see the owner had closed and was standing at the door. There was still people inside waiting by the counter. Mr Eastwood walked up to the front door and the owner opened the door. He could see people seated at the back of the shop and still people standing at the counter. He could also see food being cooked on the grill behind the counter. The owner said that it had been busy and everyone had ordered food before 3 am. It was now 3:16 am. Mr Eastwood said that he must organise his business so that he is closed at the correct time and advised him that the matter would be reported.

### Summary

As an informative at the Premises Licence Review, the Committee stated that they would like to stress to the licence holder that it is his responsibility to adhere to the terms of his premises licence, and to ensure that the necessary arrangements are made to achieve compliance.

In our view the Premises Licence holder has shown no indication that he will comply with Premises Licence conditions in the future and we believe that the Premises Licence should be revoked.

APPENDIX 3– SECTION 182 GUIDANCE

- 11.22 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.
- 11.23 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 that impact upon the licensing objectives.
- 11.24 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as an appropriate means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

#### **REVIEWS ARISING IN CONNECTION WITH CRIME**

- 11.25 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises; money laundering by criminal gangs, the sale of contraband or stolen goods, or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.26 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals, but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

11.27 Where the licensing authority is conducting a review on the grounds that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licence holder and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any appropriate steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual licence holder.

11.28 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the licensing objectives in respect of the licence in question, regardless of any subsequent judgment in the courts about the behaviour of individuals.

11.29 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:

- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
- for the sale and distribution of illegal firearms;
- for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
- for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
- for prostitution or the sale of unlawful pornography;
- by organised groups of paedophiles to groom children;
- as the base for the organisation of criminal activity, particularly by gangs;
- for the organisation of racist activity or the promotion of racist attacks;
- for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;

APPENDIX 4– THE PROVENTION OF CRIME AND DISORDER POLICY STATEMENT

### Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period, that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

### The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

#### 1. The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.

The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (Including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol ( supplied for consumption on the premises ) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- X • Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

## **2 Public safety**

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises:

This page is intentionally left blank

Document is exempt

This page is intentionally left blank