

5. REPORT

Background

5.1 An application for a Premises Licence Variation, by Hatem Koc in respect of The Grill Kebab House under the Licensing Act 2003.

5.2 **Details of the application being sought under the Premises Licence Variation – APP 1**

Provision of Late Night Refreshment

Friday to Saturday **2300 to 0430**

General-all four licensing objectives

Zero tolerance to anti-social behaviours and ensuring no harm to children.

5.3 Crime and Disorder

- CCTV unit is already in place.
- All cameras shall continually record whilst the premises are open to the public and the recording 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.

5.4 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.

5.5 Public Nuisance

- All customers are asked to respect the surrounding and behave in an orderly manner.
- Signs will be installed to remind the 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 extractor systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and 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.

5.6 Child Protection

- Zero tolerance to anti-social behaviours and ensuring no harm to children.

6. RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

Have made no representation to this application

6.2 Comments of Regulatory Services:

Enforcement Response

Has made representation. **APP 2**

Trading Standards

Have made no representation to this application

6.3 London Fire and Civil Defence Authority

Have made no representation to this application

6.4 Planning Services

Have made no representation to this application

6.5 Comments of Child Protection Agency or Nominee

No representation made on this matter

7.0 Interested Parties – APP 3

Letters of representation have been received against this application.

8.0 Financial Comments

The fee which would be applicable for this application was **£190.00.**

9.0 Licensing Officers Comment.

Mr Koc has been operating at the premises for over 7 years. The premise 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 has now submitted his variation to the existing application and it is this determination that the panel have before them on this occasion.

The Enforcement Response Team advised the Licensing Authority that they visited the premises in August and Mr Koc showed the ER Officer a license that stated 3.45 closure. The officer left the premises satisfied that Mr Koc was operating to his licence. On hearing this the Licensing Officer visited the premises and spoke to Mr Koc who advised that he kept his last licence on display (the one prior to the last review) and had not put up the new licence showing his reduced time since he had withdrawn his appeal.

He said he was aware that he should have returned it to his solicitor for it to be returned to the Licensing Authority as arranged but neglected to do so.

The incorrect licence was removed from display and Mr Koc was warned of the seriousness of his actions.

APPENDIX 1- VARIATION APPLICATION

E1MS00000602
WK/225105



London Borough of Haringey
Application to vary a premises licence
Licensing Act 2003

For help contact
Licensing@haringey.gov.uk
Telephone: 020 8489 8232

* required information

Section 1 of 20

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

119006

This is the unique reference for this application generated by the system.

Your reference

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

- Yes No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

HATEM

* Family name

KOC

* E-mail

info@northpointuk.co.uk

Main telephone number

07960169978

Include country code.

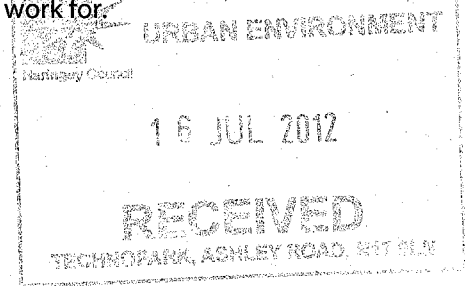
Other telephone number

- Indicate here if the applicant would prefer not to be contacted by telephone

Is the applicant:

- Applying as a business or organisation, including as a sole trader
 Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.



Continued from previous page...

Address

* Building number or name	GRILL KEBAB HOUSE 270
* Street	MUSWELL HILL BROADWAY
District	
* City or town	LONDON
County or administrative area	
* Postcode	N10 2QR
* Country	United Kingdom

Agent Details

* First name	HALIT
* Family name	ERTAS
* E-mail	info@northpointuk.co.uk
Main telephone number	07886 442 304
Other telephone number	

Include country code.

Indicate here if you would prefer not to be contacted by telephone

Are you:

- An agent that is a business or organisation, including a sole trader
- A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Your Address

Address official correspondence should be sent to.

* Building number or name	8
* Street	RISBOROUGH CLOSE
District	
* City or town	LONDON
County or administrative area	
* Postcode	N10 3PL
* Country	United Kingdom

The information given here will be saved and will be pre-filled in future forms.

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APPLICATION DETAILS

I/we, as named in section 1, being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in section 2 below.

*Premises Licence Number

Are you able to provide a postal address, OS map reference or description of the premises?

Address OS map reference Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Premises Contact Details

Telephone number

Non-domestic rateable value of premises (£)

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VARIATION

Do you want the proposed variation to have effect as soon as possible? Yes No

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Describe briefly the nature of the proposed variation

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PROVISION OF PLAYS

Continued from previous page...

Will the schedule to provide plays be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FILMS

Will the schedule to provide films be subject to change if this application to vary is successful?

Yes No

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PROVISION OF INDOOR SPORTING EVENTS

Will the schedule to provide indoor sporting events be subject to change if this application to vary is successful?

Yes No

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PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will the schedule to provide boxing or wrestling entertainments be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LIVE MUSIC

Will the schedule to provide live music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF RECORDED MUSIC

Will the schedule to provide recorded music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF PERFORMANCES OF DANCE

Will the schedule to provide performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Continued from previous page...

Will the schedule to provide anything similar to live music, recorded music or performances of dance be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FACILITIES FOR MAKING MUSIC

Will the schedule to provide facilities for making music be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FACILITIES FOR DANCING

Will the schedule to provide facilities for dancing be subject to change if this application to vary is successful?

Yes No

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PROVISION OF FACILITIES FOR ENTERTAINMENT OF A SIMILAR DESCRIPTION TO THOSE PROVIDED FOR MAKING MUSIC OR DANCING

Will the schedule to provide facilities similar in nature to those provided for making music or dancing be subject to change if this application to vary is successful?

Yes No

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PROVISION OF LATE NIGHT REFRESHMENT

Will the schedule to provide late night refreshment be subject to change if this application to vary is successful?

Yes No

Standard Days And Timings

MONDAY

Start

End

Start

End

TUESDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

Continued from previous page...

WEDNESDAY

Start 23:00

End 02:00

Start

End

THURSDAY

Start 23:00

End 02:00

Start

End

FRIDAY

Start 23:00

End 04:30

Start

End

SATURDAY

Start 23:00

End 04:30

Start

End

SUNDAY

Start 23:00

End 02:00

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

Where taking place in a building or other structure select as appropriate. Indoors may include a tent.

- Indoors Outdoors Both

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

N/A

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

N/A

Non standard timings. Where the premises will be used for the provision of late night refreshment at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Continued from previous page...

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SUPPLY OF ALCOHOL

Will the schedule to supply alcohol be subject to change if this application to vary is successful?

Yes No

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ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children.

Provide information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

N/A

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HOURS PREMISES ARE OPEN TO THE MEMBERS AND GUESTS

Standard Days And Timings

MONDAY

Start

End

Start

End

Provide timings in 24 hour clock (e.g., 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

Continued from previous page...

SATURDAY

Start 11:00

End 04:30

Start

End

SUNDAY

Start 11:00

End 02:00

Start

End

State any seasonal variations.

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed above, list below.

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

N/A

Identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

Removal of below condition
"A minimum of one SIA door staff to be employed from 2200 to close of business on Friday and Saturday night. "

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

Reasons why I have failed to enclose the premises licence or relevant part of premises licence.

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LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

If the club wishes members and their guests to be able to consume alcohol on the premises select on, if the club wishes people to be able to purchase alcohol to consume away from the premises select off. If the club wishes people to be able to do both select both.

zero tolerance to anti-social behaviors and ensuring no harm to children.

b) The prevention of crime and disorder

CCTV unit is already in place

All cameras shall continually record whilst the premises are open to the public and the recording 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

c) 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.

d) The prevention of public nuisance

All customers are asked to respect the surrounding and behave in an orderly manner.

Signs will be installed to remind the 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 extractor systems shall be correctly maintained and regularly serviced to ensure that it operates effectively and 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

e) The protection of children from harm

zero tolerance to anti-social behaviors and ensuring no harm to children.

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PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Variation Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Continued from previous page...

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

If you own a large premise you are subject to additional fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

The following credit or debit cards are accepted in Haringey:

Maestro - Mastercard Debit - Mastercard Credit - Solo - Visa Credit - Visa Debit (formerly Delta) and Visa Electron

We cannot accept liability if payment is refused or declined by the card supplier.

Continued from previous page...

Due to end of day processing, this service will not be available between 10pm and 11pm every weekday evening (Mon- Fri).

Users should note that any payments in process after the 10pm deadline need to be completed by 10.05pm

* Fee amount (£)

190.00

ATTACHMENTS

Copy of premises licence

Premises plan

AUTHORITY POSTAL ADDRESS

Address

Building number or name

Unit 241 Lee Valley Technopark

Street

Ashley Road

District

Tottenham

City or town

London

County or administrative area

Postcode

N17 9LN

Country

uk

DECLARATION

* I/we understand 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.

Ticking this box indicates you have read and understood the above declaration

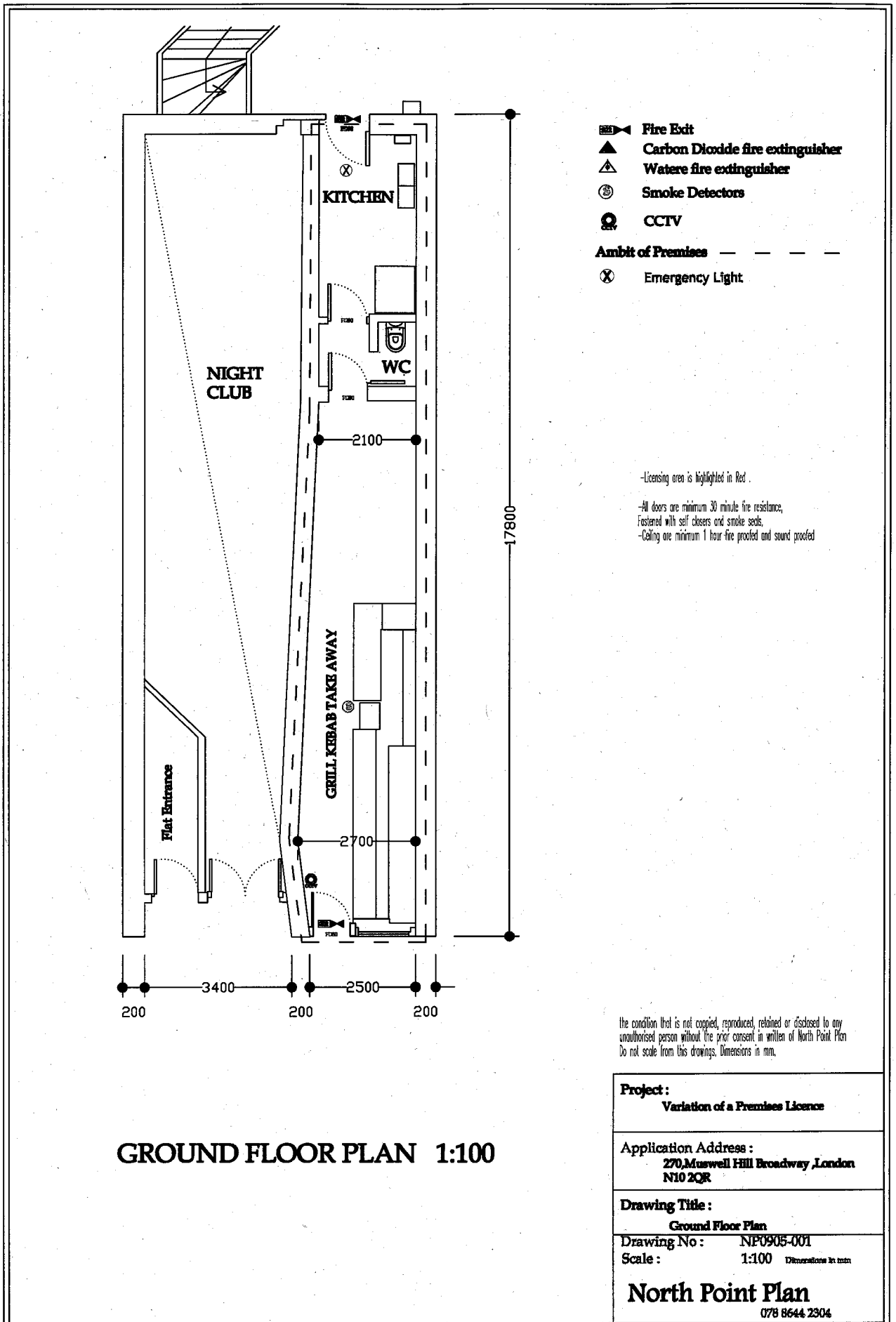
This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

* Capacity

Date (dd/mm/yyyy)

Add another signatory



GROUND FLOOR PLAN 1:100

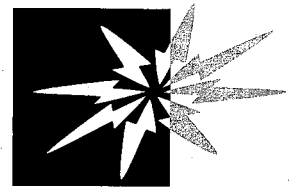
- Fire Exit
- Carbon Dioxide fire extinguisher
- Water fire extinguisher
- Smoke Detectors
- CCTV
- Ambit of Premises** - - - - -
- Emergency Light

-Licensing area is highlighted in Red .
 -All doors are minimum 30 minute fire resistance,
 Fastened with self closers and smoke seals,
 -Ceiling are minimum 1 hour fire proofed and sound proofed

the condition that is not copied, reproduced, retained or disclosed to any unauthorised person without the prior consent in written of North Point Plan Do not scale from this drawings. Dimensions in mm.

Project : Variation of a Premises Licence	
Application Address : 270, Muswell Hill Broadway, London N10 2QR	
Drawing Title : Ground Floor Plan	
Drawing No :	NP0905-001
Scale :	1:100 Dimensions in mm
North Point Plan 078 8644 2304	

**APPENDIX 2- REPRESENTATION FROM
ENFORCEMENT RESPONSE**



Haringey Council

Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: **GEORGE NICOLAOU**

cc: Team Leader Enforcement Response, Derek Pearce (rev: 1st August 2012)

Our Reference: WK225105

Date: 19th July 2012

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

Type of application: Variation

I would like to confirm that I have considered the above proposal with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make representations to the Application

The proposed operating hours are inappropriate - the noise caused by patrons exiting the premises and locating suitable transport home is likely to be detrimental to the residential amenity. This may be exacerbated by the level of public transport available at the proposed closing hours.

Operating hours

That the premises close no later than 03:00 Friday and Saturday and 02:00 Sunday to Thursday. (hours would stay as existing)

Reason: This would prevent the congregation of people at the premises after the night spots in the area close and would also help with the dispersion of people in the area. It would also bring the premises in line with the closing times of the other food outlets in the area.

Door supervisors The premises are located on a narrow footway and also by a pedestrian crossing. Door supervisors are required to ensure the clear passage of people along the footway. It would not be possible for the staff of the premises to do this as they are not qualified or experienced to carry out these duties. The door staff would also prevent public nuisance from noise from the patrons.

It is our intention to produce CCTV footage representing how patrons congregate on the footway

Door supervisors would be required to be at the premises from 23:00 until close of business. (requirement would remain as existing)

Streetview photo of Grill Kebab House



APPENDIX 3- REPRESENTATION FROM INTERESTED PARTIES

Shah Noshaba

From: Barrett Daliah
Sent: 06 August 2012 11:51
To: Shah Noshaba
Subject: FW: Grill Kebab House 270 Muswell Hill Broadway, London, N10 2QR

From: Martin Newton [mailto:mg@newtonengert.demon.co.uk]
Sent: 05 August 2012 10:14
To: Barrett Daliah
Cc: Cllr Erskine Sophie
Subject: Grill Kebab House 270 Muswell Hill Broadway, London, N10 2QR

Dear Dahlia,

I am writing to object to the proposed variation of the licence for the Grill Kebab House, 270 Muswell Hill Broadway, London, N10 2QR.

There is significant local concern about continuing late night disturbances around Muswell Hill Broadway roundabout as evidenced by a number of local residents during a Police presentation at the Muswell Hill, Alexandra, Fortis Green and Highgate Area Forum on 27 June 2012 and through subsequent correspondence with the Chief Inspector Neighbourhood Policing.

Extending the hours for late night refreshment at the Grill Kebab House on Friday and Saturday till 0430 would be likely to lead to more people hanging around the area for longer after leaving nearby clubs and would further contribute to the unacceptable noise disturbance and other anti-social behaviour experienced by local residents in the area.

I would therefore request on behalf of local residents that the opening hours are not extended. I would also request that the condition for SIA Door Staff to be employed is not removed.

Kind regards,

Martin

Cllr Martin Newton
Liberal Democrat, Fortis Green ward

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>
