

3. Background

- 3.1 The premises is operating as a cafe/ restaurant but now seeks the ability to sell alcohol. The premises first came to the attention of the Licensing Authority in January 2016 when we received complaints of the premises operating as a restaurant but were dumping cardboard boxes from the alcohol (Beers) being held for sale at the premises without a licence. Officers visited the premises following on from this complaint and found a customer consuming alcohol (a bottle of beer) on arrival as he entered the premises, The officer spoke to a staff member (Mr Chunsang Chin) who confirmed they had sold the beer to the customer accompanying a meal. The officer confirmed that I was following up on a visit made by one of his colleagues earlier who had previously told them they should not be selling alcohol. The staff member was told to remove the alcohol on display in the chiller and move it outside in the garden area and then remove it entirely from the premises. The message was reiterated that they could not sell alcohol without an appropriate license.

A subsequent warning letter was sent to the premises and a follow up visit weeks later found no alcohol being sold from the premises. The premises had further complaints of odour and smell nuisance that was affecting residents. There were also food safety issues that the owner was prosecuted for by the Commercial Environmental Health Team. The application for Premises licence was later submitted in January 2017.

- 3.2 During the consultation period representations were received from Enforcement Response and The Metropolitan Police which have been accepted by the applicant.
- 3.3 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious. There was a representation from three residents. The residents representations also highlight the fact that the premises has had planning issues that are still unresolved. The premises has a temporary change of use to A3 but this expires on 12/03/2017, so will revert back to retail after this time. The applicant Ms Lee has applied to Planning for permission for a flue to be installed at the premises but this was refused by Planning but we understand that Ms Lee has installed the flue in any event. The attached document at Appendix 3 shows the Planning history at the premises.

4. Policy Implications

- 4.1 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4.2 Equalities impact

At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5. Other considerations

5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

6 Use of Appendices

Appendix 1- Application form

Appendix 2 – Copy of Representations

Appendix 3 – Copy of Planning history

Background papers: Section 82 Guidance
Haringey Statement of Licensing policy

Appendix 1. Application form

Application for a premises licence to be granted under the Licensing Act 2003

AG10904911
NK/374345

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/**we** VINCENT PHUNG

(Insert name(s) of applicant)

apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in Part 1 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003

Part 1 – Premises Details

Postal address of premises or, if none, ordnance survey map reference or description			
HANOI PHO CAFE/RESTAURANT 1 GRAND PARADE, HARRINGEY,			
Post town	LONDON	Postcode	N4 1JK
Telephone number at premises (if any)	0203 4895145		
Non-domestic rateable value of premises	£4,850		

Part 2 - Applicant Details

Please state whether you are applying for a premises licence as

Please tick as appropriate

- | | | |
|---|-------------------------------------|-----------------------------|
| a) an individual or individuals * | <input checked="" type="checkbox"/> | please complete section (A) |
| b) a person other than an individual * | | |
| i. as a limited company | <input type="checkbox"/> | please complete section (B) |
| ii. as a partnership | <input type="checkbox"/> | please complete section (B) |
| iii. as an unincorporated association or | <input type="checkbox"/> | please complete section (B) |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> | please complete section (B) |
| c) a recognised club | <input type="checkbox"/> | please complete section (B) |
| d) a charity | <input type="checkbox"/> | please complete section (B) |
| e) the proprietor of an educational establishment | <input type="checkbox"/> | please complete section (B) |

- f) a health service body please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales please complete section (B)
- ga) a person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 (within the meaning of that Part) in an independent hospital in England please complete section (B)
- h) the chief officer of police of a police force in England and Wales please complete section (B)

* If you are applying as a person described in (a) or (b) please confirm:

Please tick yes

I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or

I am making the application pursuant to a statutory function or

a function discharged by virtue of Her Majesty's prerogative

(A) INDIVIDUAL APPLICANTS (fill in as applicable)

Mr <input checked="" type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname PHUNG			First names VINCENT		
I am 18 years old or over				<input checked="" type="checkbox"/> Please tick yes	
Current postal address if different from premises address					
Post town		Postcode			
Daytime contact telephone number					
E-mail address (optional)					

SECOND INDIVIDUAL APPLICANT (if applicable)

Mr <input type="checkbox"/>	Mrs <input type="checkbox"/>	Miss <input type="checkbox"/>	Ms <input type="checkbox"/>	Other Title (for example, Rev)	
Surname			First names		
I am 18 years old or over				<input type="checkbox"/>	Please tick yes
Current postal address if different from premises address					
Post town					
Daytime contact telephone number					
E-mail address (optional)					

(B) OTHER APPLICANTS

Please provide name and registered address of applicant in full. Where appropriate please give any registered number. In the case of a partnership or other joint venture (other than a body corporate), please give the name and address of each party concerned.

Name
Address
Registered number (where applicable)
Description of applicant (for example, partnership, company, unincorporated association etc.)
Telephone number (if any)
E-mail address (optional)

Part 3 Operating Schedule

When do you want the premises licence to start?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

If you wish the licence to be valid only for a limited period, when do you want it to end?

DD	MM	YYYY
<input type="text"/>	<input type="text"/>	<input type="text"/>

Please give a general description of the premises (please read guidance note 1)

Cafe/Restaurant

If 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend.

What licensable activities do you intend to carry on from the premises?

(Please see sections 1 and 14 of the Licensing Act 2003 and Schedules 1 and 2 to the Licensing Act 2003)

- | Provision of regulated entertainment | Please tick any that apply |
|---|----------------------------|
| a) plays (if ticking yes, fill in box A) | <input type="checkbox"/> |
| b) films (if ticking yes, fill in box B) | <input type="checkbox"/> |
| c) indoor sporting events (if ticking yes, fill in box C) | <input type="checkbox"/> |
| d) boxing or wrestling entertainment (if ticking yes, fill in box D) | <input type="checkbox"/> |
| e) live music (if ticking yes, fill in box E) | <input type="checkbox"/> |
| f) recorded music (if ticking yes, fill in box F) | <input type="checkbox"/> |
| g) performances of dance (if ticking yes, fill in box G) | <input type="checkbox"/> |
| h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H) | <input type="checkbox"/> |

Provision of late night refreshment (if ticking yes, fill in box I)

Supply of alcohol (if ticking yes, fill in box J)

In all cases complete boxes K, L and M

A

Plays Standard days and timings (please read guidance note 6)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for performing plays (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

B

Films Standard days and timings (please read guidance note 6)			Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the exhibition of films (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details (please read guidance note 3)	
Day	Start	Finish		
Mon			<p>State any seasonal variations for indoor sporting events (please read guidance note 4)</p>	
Tue				
Wed				<p>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list (please read guidance note 5)</p>
Thur				
Fri				
Sat				
Sun				

D

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for boxing or wrestling entertainment (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 6)			Will the performance of live music take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue					
			State any seasonal variations for the performance of live music (please read guidance note 4)		
Wed					
Thur					
			Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

F

Recorded music Standard days and timings (please read guidance note 6)			Will the playing of recorded music take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 2)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 3)		
Tue			State any seasonal variations for the playing of recorded music (please read guidance note 4)		
Wed			Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 5)		
Thur					
Fri					
Sat					
Sun					

G

Performances of dance Standard days and timings (please read guidance note 6)			Will the performance of dance take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)		
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)		
Thur					
Fri			Non standard timings. Where you intend to use the premises for the performance of dance at different times to those listed in the column on the left, please list (please read guidance note 5)		
Sat					
Sun					

H

Anything of a similar description to that falling within (e), (f) or (g) Standard days and timings (please read guidance note 6)			Please give a description of the type of entertainment you will be providing		
Day	Start	Finish	Will this entertainment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)		
Wed			State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)		
Thur			Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

I

Late night refreshment Standard days and timings (please read guidance note 6)			Will the provision of late night refreshment take place indoors or outdoors or both – please tick (please read guidance note 2)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	Please give further details here (please read guidance note 3)		
Mon					
Tue			State any seasonal variations for the provision of late night refreshment (please read guidance note 4)		
Wed					
Thur			Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list (please read guidance note 5)		
Fri					
Sat					
Sun					

J

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the supply of alcohol be for consumption – <u>please tick</u> (please read guidance note 7)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
Day	Start	Finish	Both <input type="checkbox"/>		
Mon	12pm	11pm	State any seasonal variations for the supply of alcohol (please read guidance note 4)		
Tue	12pm	11pm			
Wed	12pm	11pm			
Thur	12pm	11pm	Non standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list (please read guidance note 5)		
Fri	12pm	11pm			
Sat	12pm	11pm			
Sun	12pm	11pm			

State the name and details of the individual whom you wish to specify on the licence as designated premises supervisor:

Name	VINCENT PHUNG
Address	
Postcode	
Personal licence number (if known)	
Issuing licensing authority (if known)	Southwark

K

Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children (please read guidance note 8).

L

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variations (please read guidance note 4)
Day	Start	Finish	
Mon	12pm	11.30pm	<p>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)</p>
Tue	12pm	11.30pm	
Wed	12pm	11.30pm	
Thur	12pm	11.30pm	
Fri	12pm	11.30pm	
Sat	12pm	11.30pm	
Sun	12pm	11.30pm	

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

a) General -- all four licensing objectives (b, c, d and e) (please read guidance note 9)

b) The prevention of crime and disorder

CCTV in place. Recording more than 31 days. Incident logbook is being kept. Police will be called for any suspicious activity.

c) Public safety

Fire exits are marked clearly. Signs are displayed. Licensed vehicles contact number will be provided.

d) The prevention of public nuisance

Deliveries after 8am. Customers asked to leave quietly after 10pm. No one will be allowed to drink outside the premises. Rubbish is put out at given time in the evening.

e) The protection of children from harm

Challenge 25 policy in place. No alcohol is sold to under 21s.

Checklist:


Please tick to indicate agreement

- I have made or enclosed payment of the fee.
- I have enclosed the plan of the premises.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I have enclosed the consent form completed by the individual I wish to be designated premises supervisor, if applicable.
- I understand that I must now advertise my application.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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 4 – Signatures (please read guidance note 10)

Signature of applicant or applicant’s solicitor or other duly authorised agent (see guidance note 11). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	12.1.2017
Capacity	Manager

For joint applications, signature of 2nd applicant or 2nd applicant’s solicitor or other authorised agent (please read guidance note 12). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)

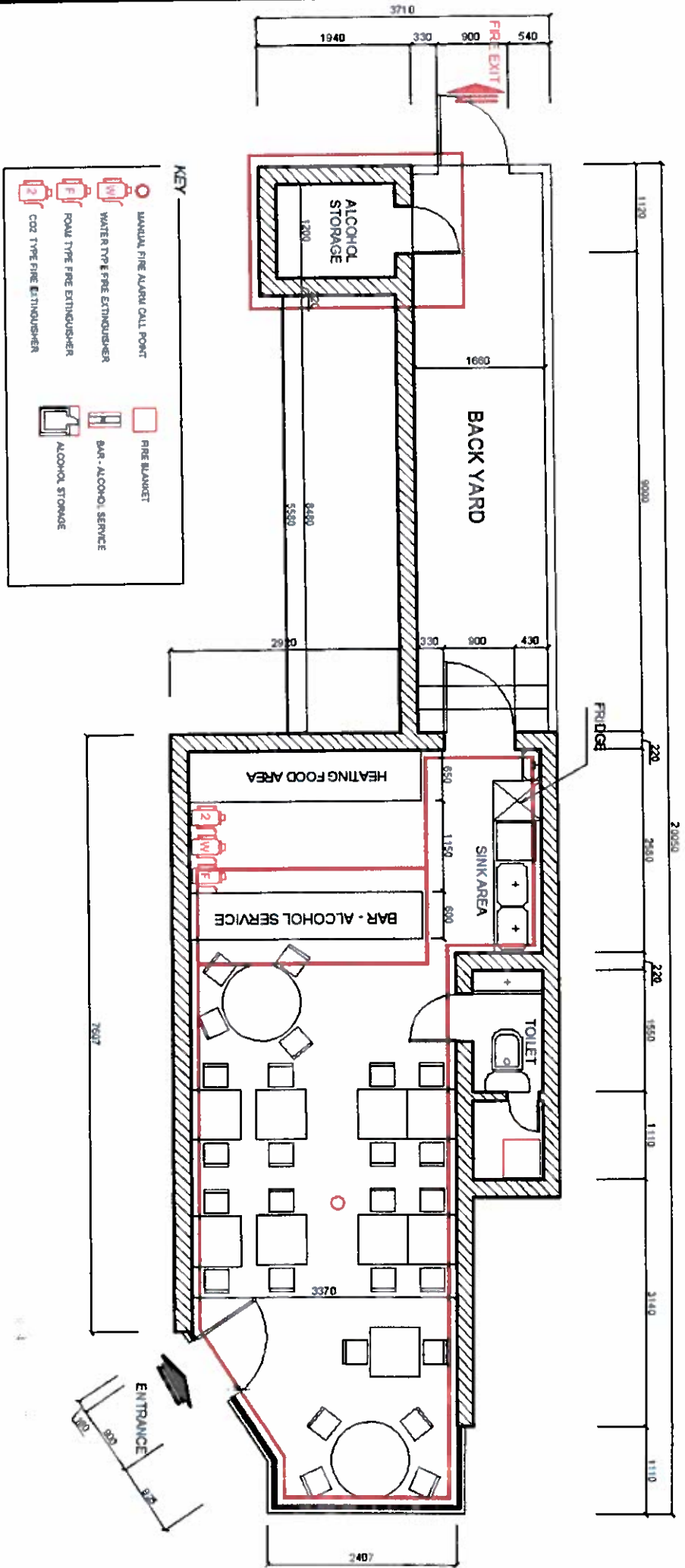
Post town		Postcode	
Telephone number (if any)			
If you would prefer us to correspond with you by e-mail, your e-mail address (optional)			

Notes for Guidance

1. Describe the premises, for example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application

includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies, you must include a description of where the place will be and its proximity to the premises.

2. Where taking place in a building or other structure please tick as appropriate (indoors may include a tent).
3. For example the 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.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give 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.
7. If you wish people to be able to consume alcohol on the premises, please tick 'on the premises'. If you wish people to be able to purchase alcohol to consume away from the premises, please tick 'off the premises'. If you wish people to be able to do both, please tick 'both'.
8. Please give 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 or the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, each of the applicant or their respective agent must sign the application form.
13. This is the address which we shall use to correspond with you about this application.



HANOI PHO CAFE FLOOR PLAN
 1 Grand Parade, Green Lanes
 N4 1JX

Appendix 2. Representation from other persons

Anderson Chanel

From: _____
Sent: 19 February 2017 19:14
To: Licensing
Subject: Hanoi Pho Cafe Restaurant - 1 Grand Parade N41JX

Dear Sir/Madam

We wish to make representation about the alcohol license for the above premises.

Since the opening of the premises in December 2015 the residents of _____ and _____ have been continuously been subjected to public nuisance. Extraction odor and noise from kitchen plant and staff. Additionally there has been food butchering and preparation of raw meat in the alleyway which is a serious concern from a public safety perspective. This has been reflected in the downgrading of the Food hygiene rating from 5 to 1. As a result of these issues there have been numerous enforcement and prosecution actions against the premises from the Food Safety, Environmental Health and Planning. Some of these actions are still on going.

The premises holder has shown disregard for the licensing objectives in the way that she has run the premises in the past and we are not convinced that any change in attitude is forthcoming.

Therefore we don't believe that they should be granted the privilege of an alcohol license until all the above has been addressed.

We would also like to note that the application is for Hanoi Pho Cafe Restaurant. Currently Hanoi Pho has a temporary license for restaurant use. This license expires on 12 March at which time the premises must revert to A1 usage.

Appendix 3- Planning history

Online Planning Services

Search Results List

Click the application reference number to see more details, and comment on current consultations. You can filter your results, or change your criteria, using the [application search](#).

Reference number	Site Address	Ward	Applicant details	Agent details	Development	Decision
HGY/2015/0980	1 Grand Parade London N4 1JX	St Anns	Mrs Kim Le Mare Street, London, E8 3QE	Miss Gokay TozGok Design, 22, Flat 5 Brussels Court, Watermill Lane, London, N18 1ST	Retrospective application for installation of extractor flue ducting	Refused
HGY/2015/0564	1 Grand Parade Tottenham London N4 1JX	St Anns	Mrs Kim Le E8 3QE	Mrs Kim Le, 15-104 Mare Street, E8 3QE	Flexible Change of use under Class D of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013 starting from 01/03/2015: Existing Use Class A1 - Proposed Use Class A3	Flexi Change of Use Granted
HGY/2014/2368	1 Grand Parade London N4 1JX	St Anns	Mrs Kim Le Mare Street, London, E8 3QE	Mrs Gokay Toz, 22, Flat 5 Brussels Court, Watermill Lane, London, N18 1ST	Change of use from A1 use (shop) to A3 use (restaurant) with the flue ducting on side elevation (retrospective)	Refused
HGY/2008/1988	The Salisbury, 1 Grand Parade London N4 1JX London		Alive Chapel International Grand Parade, Green Lanes, N4 1JX	Mr David Field, 2, McClintock Place, Enfield Lock, EN3 6LX	Retention of use of first floor as a place of worship (D1)	Refused