

Matter being dealt with by	Natalie Cole
Telephone number.	020 8489 2919
Fax.	020 8489 2660
Email address:	Natalie.cole@haringey.gov.uk

24 July 2009

To: All Members of the Licensing Sub-Committee B

Dear Member,

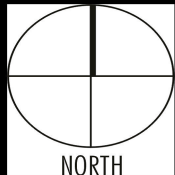
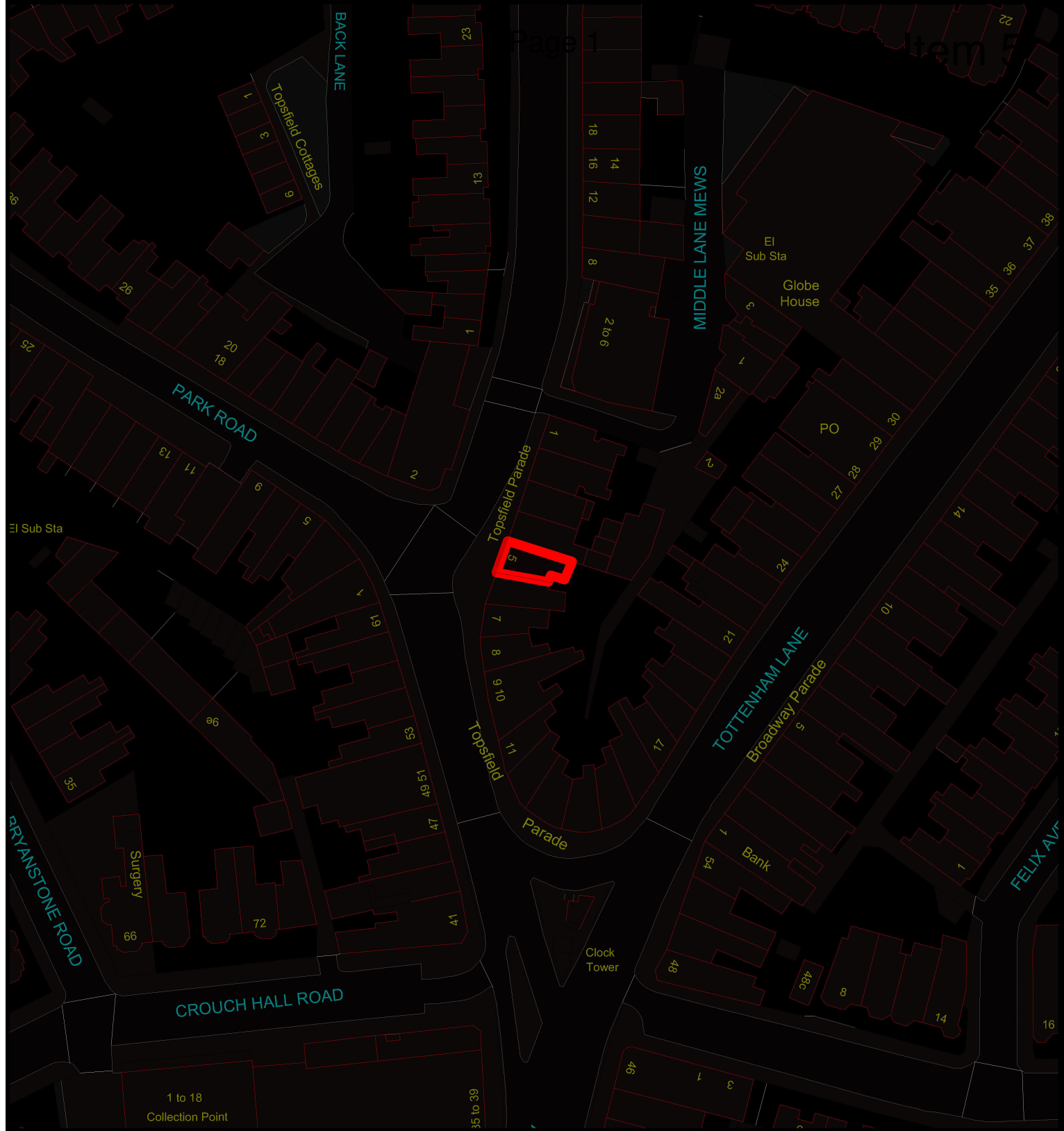
Licensing Sub-Committee B - Thursday, 30th July, 2009

In respect of the forthcoming **Licensing Sub-Committee B** on **Thursday 30th July 2009** please find attached (**PAGES 1 - 116**) a map of the application site, and additional representations relating to Agenda **Item 5, Funky Brownz, 5 Tottenham Lane, London, N8**, which were not available at the time of collation of the agenda due to the deadline of Midnight on the day that the Agenda was published.

Yours sincerely

Natalie Cole
Principal Committee Co-Ordinator

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Olson Kendra

From: Lesley Kennedy [lmk@wilsons-solicitors.org.uk]
Sent: 23 July 2009 14:45
To: Licensing
Subject: New Premises Licensing Application Objection - Funky Brownz No. 5 Tottenham Lane, London N8 9DL

Dear Sir/Madam

I am writing to put in my objection to this application. I live at number 32 Gisburn Mansions, Tottenham Lane, London N8 7EB.

Myself and my husband believe that our right to quiet peace and enjoyment in our home will be severely affected by the disruption/potential noise hazard from this new club. The proposed closing times are completely unacceptable in a residential neighbourhood.

I would be grateful if my objection could be noted.

My home telephone number is [REDACTED]

Work number [REDACTED] - Tuesday to Friday.

Yours sincerely

Lesley Kennedy-Neal

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Olson Kendra

From: Matthew Steer [anything@matthewsteer.com]
Sent: 23 July 2009 15:45
To: Licensing
Subject: Premises Licensing Application Objection - Funky Brownz, No.5 Tottenham Lane, London N8 9DL

Dear Sir/Madam,

I am writing to object to a New Premises Licensing Application at Funky Brownz, 5 Tottenham Lane, London N8 9DL.

I have lived on Ribblesdale Road, the road directly opposite Funky Brownz, for 10 years and am very well aware of the disruption, excess noise, litter, and antisocial behaviour that is a result of the late night opening of the various different guises of No.5 Tottenham Lane.

My objectives to the Extended Licensing Application are thus:

1. Crime and Disorder – my own vehicle has been vandalised and broken into on 4 separate occasions, all occurring late at night and the most recent resulting in the burning down and destruction of my vehicle. I would be very concerned that this kind of behaviour would be enhanced by the suggested closing time of Funky Brownz. Also, the clientele in the past has found it suitable to use the street as a toilet, and also a place to be sick. This is not a pleasant thing to have to deal with and dodge in the mornings when leaving one's property.
2. Public Safety – I am also concerned by the drunk and threatening behaviour in and around my street the proposed Application could lead to. A taxi service operates from next to No.5 Tottenham Lane and the cars use Ribblesdale Road as a rat-run, often at speed, to get to Church Lane. Ribblesdale Road is a one-way street and cars travelling at speed is a safety consideration also.
3. Public Nuisance – The noise from the previous establishments at No.5 at closing time has been clearly audible from our properties on the street as many bedrooms face out onto the road. This will only be enhanced and lengthened with suggested closing times varying from 1.30am to 4.30am. Parking is at a premium on the street and residents have previously faced stiff competition for spaces outside their own properties from the clientele of No.5 Tottenham Lane.

I hope you will take mine and other objections seriously. The suggested opening time of 10pm and closing times of 1.30am Mon-Weds & Sunday, 2.30am on Thurs, and 4.30am on Friday & Saturday seems excessive and unreasonable. In the 10 years I have lived on Ribblesdale Road, this venue has never attracted a consistent or sizable clientele. Hence 3 different guises in 10 years and over a year of being disused. The desire or need for another 'nightspot' just isn't there.

The suggested opening time of 10pm also greatly worries me. This suggests people will be coming into the area – a predominantly residential area – to finish their night at No.5 Tottenham Lane. This will likely lead to enhanced states of drunkenness and enhanced risk of Disorder and Nuisance, as I have previously discussed. I do not relish the prospect of this, once again on my doorstep. Surely more sensible and reasonable opening and closing times would be appropriate to begin with?

I look forward to hearing from you,

Yours,

23/07/2009

Matthew Steer.

Matthew Steer
22c Ribblesdale Road
London N8 7EP

matt@matthewsteer.com

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6 Gisburn Road, London N8 7BS
Tel: (020) 8347 9694

Haringey Council Licensing Team
Lea Valley Technopark
Ashley Road
LONDON
N17 9LN

20 July 2009

Dear Sirs,

Re: New premises licensing application: OBJECTION
At: Funky Brownz, 5 Tottenham Lane, London, N8 9DL

We are concerned at the recent application for the premises referred to above to become an all night/late night club. For many years we have had to live with the realities that late night revellers bring to our little neighbourhood, eg; unacceptable levels of noise at all times of the night; fighting in the street; people using our streets as toilets etc.

We object to this application for an extended license being granted on the following grounds:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

We very much hope that the very real concerns of local residents will be taken into account when this application is considered. This area is not populated by clubbers but by families, many with young children, and a nightclub is a resource that we neither need nor welcome.

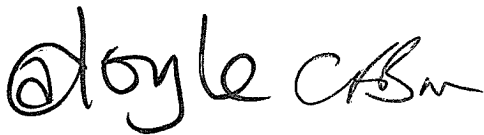
-2-

We already have to deal with severe parking problems and the granting of this application will do nothing to improve that situation. Nor will the sound of taxis etc arriving and leaving at all hours improve our quality of life.

Finally, there may be some revenue generated by a nightclub but this will be heavily outweighed by the additional costs to police, street-cleaning teams, noise abatement departments to name but a few.

We very much hope that **you will NOT grant this application**. A copy of this objection has also been copied to our MP, Lynne Featherstone, who takes an active interest in the well-being of her constituents.

Yours faithfully,

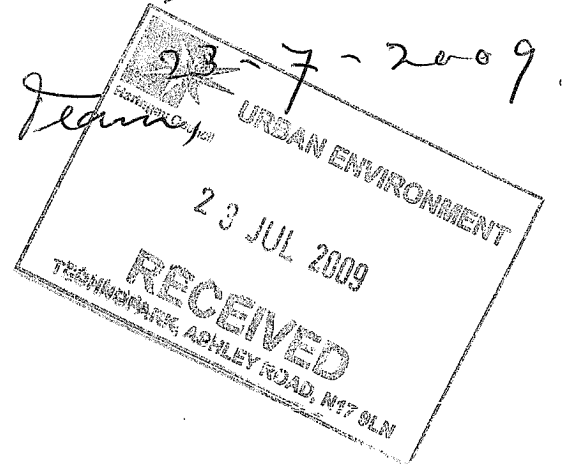
A handwritten signature in black ink that reads "@doyle CBm". The signature is written in a cursive, somewhat informal style.

Ann Doyle & Colin Brown

Cc: Lynne Featherstone, MP

Flat 4,
9, Ribblesdale
Road,
Hornsey,
London N8 7LH

The Hornsey Council Licensing Team,
Lee Valley Technopark,
Ashley Road,
Tottenham, N17 9LN.



Dear Sir / Madam,

Re: New Premises licensing
Application objection

Address: Funky Browns, 5 Tottenham
Lane, Hornsey London N8 9DL.

After having just returned from my
holiday, I learnt about the intention to
convert the formerly so picturesque "The
Wishy Well Pub" into a late night Music
Hall Club, with on top adult entertainment.
I thoroughly object to this plan for the
following reasons:

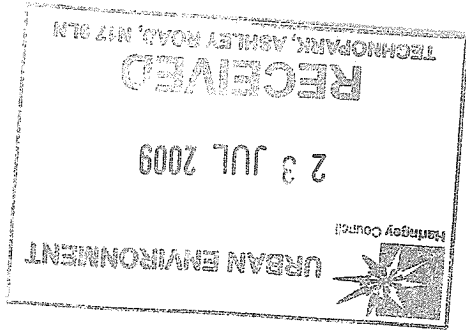
First of all: the noise! It won't be
possible to keep the noise indoors (of the booming
music), and the noises outside the place
(shanty and screaming punters, hokey claxons,
which will severely disturb the sleeping
neighbours. Therefore: Noise pollution for a
very large part of every night, resulting in a very
disturbed night rest.

Secondly: Where to park all those cars.

but many will arrive by car, as travelling with your own vehicle is so convenient. There is already so much lack of parking space, as many inhabitants here own their own vehicle, which they then park in front of their house. There will be quite a battle for space, as I cannot imagine that the YMC A building ^{management} will allow those cars of these visitors on their own premises.

The third reason for objection: which type of persons will be attracted to a late night Music Club with adult entertainment. Not the best part of our population, and surely not up to the standard of those living here around Hornsey Station! Will their presence not result in disruptive behaviour at the least? Can we also expect serious offences, like intimidation, mugging, even drug taking and trafficking? Do you not agree with me that this idea of allowing a nice quiet pub to be changed into a noisy, lower calibre place (YES!!) of entertainment in the part of London, is really a very bad idea. I have expressed my concerns and objections, and hope that my own opinion and that of the other inhabitants here around Hornsey Station will cause you to change your mind.

Yours truly, but disturbed



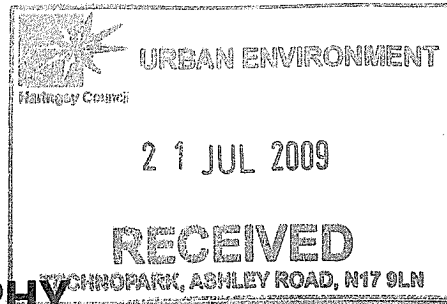
60. Tottenham Lane
Haringey
London N8 7EE

Dear Sir,

I'm writing to object to the opening of 'FUNKY BROWNZ', just down the road.

The Wishing Well acted as a magnet for mayhem and seems to be on the point of mutating into something even more extreme.

M & Robinson.



ALLAN JENKINS PHOTOGRAPHY

46 Tottenham Lane , Hornsey , London N8 7ED

Tel - 0208 348 6900 Mob - 07957 230 843

Date- 20th July 2009

F.A.O = Haringey Council liscencing team!

Regarding n-5 Tottenham Lane , Hornsey , London , N8 9dL

As a Local business premise on 46 Tottenham Lane , I've been happy since the Wishing well has been closed , as I've noticed less broken glass , less rubbish,less people urinating on my front door , fights , etc,,,,,

Opening a late night club in this area is unfair to local residents and local small business premises , as it seems to attract the wrong type of people. Over the past few years I've seen a lot of police activity , a lot of people screaming and fighting and nasty displays of public behaviour.

I'm totally against a new late night business being opened , unless they put bouncers on the door to control the noise , but that will never work! As soon as people wander down the street , they vandalize stuff and make a mess.

It's not as if this area really needs a late night club. If it was a restaurant , then fair enough! But a club seems like a bit of a joke , as it probably won't last more than 6 months anywayjudging by every other failed business there , the appliers are best recommended to go elsewhere and not waste their time or money.

Its wrong to do that to the neighborhood, lets try to keep Hornsey clean , peaceful and tranquil And put all the pubs and restaurants together in Crouch End or Hornsey high street!

Sincerely , Allan Jenkins

20/7/09.

Dear Sir / Madam

I am writing to complain about the proposed opening of 'Foxy Brownz' in Tottenham Lane.

A bar/night club of this type is completely inappropriate in a quiet residential neighbourhood. All of the suggestions that have been proposed in the application will become unmanageable once the clientele leave the venue.

As we have witnessed previously once people leave the bar they spill out into our road where noise/fights/arguments etc continue. I'm sure you would agree that you would not want to woken at some time in the early hours because people are fighting in your road/garden. The major issue is the fact that this is every week with a late licence on at least three evenings. Anyone who suggests that there will be no problem

is incredibly short sighted.

I can assure you if the venue goes ahead and problems ensue then the local residents will take this further until the matter is dealt with effectively.

Yours sincerely

D. Flanagan

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

To whom it may concern,

**New Premises Licensing Application Objection
No.5 Tottenham Lane, Hornsey N8 9DL (Funky Brownz)**

We are writing to you with reference to a letter of objection from Mr and Mrs G H MacLellan of 2 Gisburn Road (copy enclosed), regarding the proposal to extend the Drinks and Entertainment Licence for "Funky Brownz" on Tottenham Lane.

We the undersigned, wish to associate ourselves in every respect with the objections to the proposed nightclub, stated in the letter to Haringey Council from Mr and Mrs G H MacLellan of 19th July 2009, and wish to be included as formal objectors to the scheme.

Yours faithfully

Priscilla Hamman .

11 Gisburn Rd.

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

To whom it may concern,

**New Premises Licensing Application Objection
No.5 Tottenham Lane, Hornsey N8 9DL (Funky Brownz)**

My husband and I wish to object to the proposal to change the use of 'The Wishing Well' public house on Tottenham Lane, to a nightclub.

We understand that the proposal is to reopen the premises as a '*hip bar restaurant with a shisha smoking lounge and dance floor*', to be called '*Funky Brownz*'

More pertinently, however, we understand that the intention is to have the premises open until 4.30am on Fridays and Saturdays, 2.30am on Thursdays and 1.30am on all other days.

We have not received any correspondence from the council regarding a licensing review, or plans to enlarge the building, and have only learnt about these plans from an article that was written in the Hornsey and Crouch End Journal on Thursday 2nd July.

We have therefore have not been given a proper chance to prepare, or communicate our objections.

We live in Gisburn Road, which is a quiet residential street, within 200 metres of the proposed nightclub, and we have three children under the age of 5 years.

We are greatly concerned about the potential impacts such a proposal could have on our family and our neighbours. These include the following:

- 1) The possibility of disturbance late at night and in the early hours of the morning caused by inconsiderate users of the club causing noise and disorder, would be unacceptable, particularly to young children and those who have to work the next day.
- 2) It seems unlikely that such a facility could rely solely on the local community for custom and that it will be necessary to attract people from other areas. This raises the possibility that coach loads of people could be brought in, further exacerbating the point made above.
- 3) Local residents have complained in the past of noise, disruption, criminal damage and even fighting in gardens caused by customers of the former public house. The fear is that this could reoccur, probably be worse and certainly be later.

- 4) We also concerned about the possibility of criminal damage occurring to our car or our property, drink driving, anti social toilet behaviour, litter and police activity.
- 5) Although the current owner has ensured security, We are concerned that this will ensure that the night club is safe inside the premises and that any undesirable clients would be evicted from the premises, and would therefore be more likely to end up on our doorstep.
- 6) There is already dearth of parking spaces in the area and further demands created by the club would be intolerable.
- 7) We also believe that this could have a negative impact on the re-sale of our property, if not to the value, then it would certainly make the property a less attractive proposition, due to it's proximity to such an establishment.

We cannot overemphasize our worries about the effect this proposal could have on our children and our family life. Such a facility is totally inappropriate in or near a quiet, residential, family area, and would be more suited to a town centre. I object to it in the strongest terms.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G.H. MacLellan', written in a cursive style.

Mr & Mrs G.H. MacLellan

8 Ribblesdale Road
London
N8 7EP

OBJECTION TO LICENSING APPLICATION

REF: FUNKY BROWNZ, 5 TOTTENHAM LANE, HORNSEY, LONDON N8 9DJ

FAO: DALIAH BARRETT (LICENSING LEAD OFFICER)

Please see below the points addressed in Section 'P' page 19 of the application:

b). The prevention of crime and disorder

The intention to operate the premises *'in a similar fashion'* to that of Funky Brownz in The Hyde, Hendon is very disturbing. These premises have recently been subjected to a Summary Review by Barnet Council at the request of the Metropolitan Police. This followed numerous violent incidents including a stabbing and assault on police officers, resulting in arrests and a Closure Order on 20th March 2009 as it was deemed that the management was *'not strong enough to prevent further disorder'*.

As a local resident in the very near proximity to 5 Tottenham Lane, I have witnessed first hand loud raucous behaviour and outbreak of fights taking place on its doorstep in the early hours of the morning, well beyond the closing time of 02.00am. The security personnel were not able to control such offences then and therefore I have no expectation this will be adequately dealt with in the future, especially if a licence is granted until 04.30am. It seems that there is no responsibility for the consequences of drunken behaviour once customers have left their premises.

c). Public safety

Excluding new admittance after 02.00am is an ineffectual measure. With many drinking establishments closing at 01.00am at weekends, this gives already potential drunken customers plenty of time to move on to Funky Brownz, thus providing a catalyst for unruly behaviour.

d). The prevention of public nuisance

The recognition that this is a residential area has been totally overlooked as we are subjected to the changing establishments at 5 Tottenham Lane being granted increasingly later licenses. It is unacceptable for neighbours to endure the noisy disturbances that will inevitably occur as customers entering and leaving the premises, assuming that the sound proofing is adequate inside. There is also the volume of noise that will emanate from the outside smoking area which also contributed to disturbance in the past.

It is highly inappropriate to grant such a late licence for a business like Funky Brownz, a business that should be housed well away from any residential area as the management have already displayed they are incapable of preventing public disorder by their customers [reference premises in The Hyde, Hendon].

Yours sincerely

Ms Helen Gallagher

Olson Kendra

From: Saul Reichlin [saulreichlin@hotmail.com]
Sent: 22 July 2009 12:55
To: Licensing
Subject: Funky Brownz Application objection
Follow Up Flag: Follow up
Flag Status: Red

Dear Haringey Licensing Team

I am writing in connection with the application for an extended licence by Funky Brownz, 5 Tottenham Ln, Hornsey, London, N8 9DL.

I am one of 5 leasehold owners of flats at No. 17 Ribblesdale Rd, opposite the pub. I am in absolute opposition to any late licence being granted to the above pub. Over the years, late night drunkenness has resulted in our property being vandalised repeatedly:

1. Two wall pillars were pulled down, and repaired at great expense.
2. Rubbish was regularly dumped on the front patio of the house, which has also been used as a toilet.

3 My car had its rear window smashed and mirrors broken on different occasions. According to the police, all the above incidents were caused by the drunken late night patrons of the pub, who, in the case of my car window, were actually apprehended and identified.

4. It is simply unacceptable that the peaceful enjoyment of our own property is destroyed by the behaviour of people who come to this venue from other areas and whose excess drinking results in grossly anti-social and criminal conduct.

5. This is a quiet residential street, with Victorian houses well kept by people who value their safety and security, and who are outraged by having their sleep ruined and lives made hell every weekend by the hooligan and thug element attracted by late night drinking and loud music.

Clearly, not all the patrons of such a venue are of this ilk, but enough of them are as described to make a late night drinking license extremely undesirable.

I am quite sure that the police, the noise nuisance team and other council departments will be made very busy indeed if this licence is granted.

Saul Reichlin

Saul Reichlin

17 Ribblesdale Rd, London N8 7EP, U.K.
Mobile +44 (0) 7 967 194 961

London Correspondent
www.chicagocritic.com

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Olson Kendra

From: Barrett Daliah on behalf of Licensing
Sent: 22 July 2009 07:00
To: Olson Kendra
Subject: FW: Funky Brownz Licence application
Follow Up Flag: Follow up
Flag Status: Red

From: Gary Lilburn [mailto:garysilburn@googlemail.com]
Sent: 21 July 2009 21:31
To: Licensing
Subject: Funky Brownz Licence application

Dear Sir/Madam

I am writing to object to the preposed " Extended Licence Application " for Funky Brownz, No 5 , Tottenham Lane, London N8 9DL.

I live at 64 Tottenham Lane , London N8 7EE, which is very close to the preposed Night Club. My objection is on the grounds of " The Prevention Of Public Nuisance".

We live opposite a meat packing plant which starts operations with reversing lorries and staff arriving at 5 am.every week- day, with a Post Office Depot down the road and a Council Storage space also opposite, the day begins and there is no chance of sleep after 5.30 am .If as is preposed we then have a Late Night Club with week day closing at 1.30 am, and weekend closing at 4.30. We will have people on the street, coming and going, calling at each other, parking cars, beeping horns,(thats even without possible drunken behaviour,) for another hour and a half after these times, So there will be at most two and a half hours of "quiet time" for resident's (families) to sleep on week- days, and no quiet time at night over the weekend,This unfair and totally unreasonable to expect.

Also with regard to parking, there is already a shortage of spaces for resident's and the club has no car park!

Yours sincerely,

Gary Lilburn (21st July 2009)

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Olson Kendra

From: Lovatt, Fiona [Fiona.Lovatt@sudler.com]
Sent: 22 July 2009 10:58
To: Licensing
Cc: Olson Kendra
Subject: RE: Objection to Licensing Application: Funky Brownz

My address is:

17D Ribblesdale Road
London N7 7EP

From: Barrett Daliah [mailto:Daliah.Barrett@haringey.gov.uk] **On Behalf Of** Licensing
Sent: 22 July 2009 10:43
To: Lovatt, Fiona
Cc: Olson Kendra
Subject: RE: Objection to Licensing Application: Funky Brownz

Ms Lovatt

Your address is required to make a valid representation, we are unable to accept this in its current format.

Regards
Licensing Team

From: Lovatt, Fiona [mailto:Fiona.Lovatt@sudler.com]
Sent: 22 July 2009 10:25
To: Licensing
Subject: Objection to Licensing Application: Funky Brownz

Dear Sir

I am writing to object to the new premises licensing application for Funky Brownz, No 5 Tottenham Lane, Hornsey N8 9DL.

My objection is based on the prevention of public nuisance. The venue is located at the end of my road, Ribblesdale Road, and the proposed licensing hours (earliest closure 1.30am; latest closure 4.30am) will cause sleep disruption through loud music and drunk people in the road in the early hours of the morning.

I would be grateful if you would contact me to invite me to the public hearing to discuss these issues.

Yours faithfully

Fiona Lovatt



Fiona Lovatt
Account Director
Sudler & Hennessey
Phone: +44 207 307 7844
Fax: +44 207 307 7811

22/07/2009

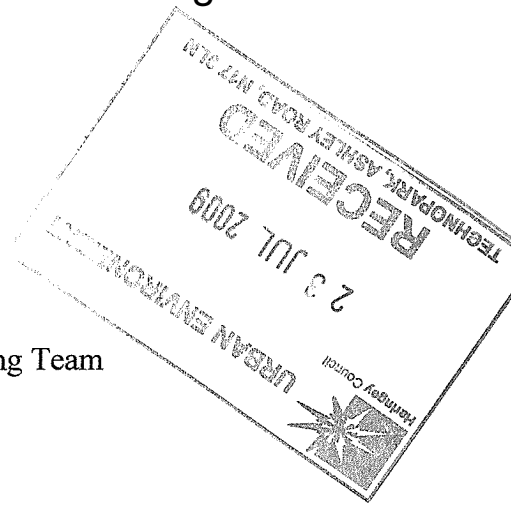
fiona.lovatt@sudler.com

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2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

To whom it may concern,

**New Premises Licensing Application Objection
No.5 Tottenham Lane, Hornsey N8 9DL (Funky Brownz)**

We are writing to you with reference to a letter of objection from Mr and Mrs G H MacLellan of 2 Gisburn Road (copy enclosed), regarding the proposal to extend the Drinks and Entertainment Licence for "Funky Brownz" on Tottenham Lane.

We the undersigned, wish to associate ourselves in every respect with the objections to the proposed nightclub, stated in the letter to Haringey Council from Mr and Mrs G H MacLellan of 19th July 2009, and wish to be included as formal objectors to the scheme.

Yours faithfully

(HELEN BRODWIN)

4 GIBBURN ROAD

N.8. 7BS

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

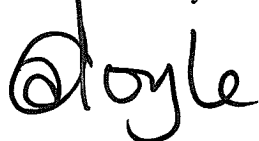
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Yours faithfully



Ann Doyle Colin Brown
6 Gisburn Rd, N8 7BS

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

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Yours faithfully



12 Gisburn Rd
N8 7BS

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

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Yours faithfully

A handwritten signature in black ink, appearing to be 'J. H. MacLellan', written over a horizontal line.

17 Gisburn Rd,

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

To whom it may concern,

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No.5 Tottenham Lane, Hornsey N8 9DL (Funky Brownz)**

We are writing to you with reference to a letter of objection from Mr and Mrs G H MacLellan of 2 Gisburn Road (copy enclosed), regarding the proposal to extend the Drinks and Entertainment Licence for "Funky Brownz" on Tottenham Lane.

We the undersigned, wish to associate ourselves in every respect with the objections to the proposed nightclub, stated in the letter to Haringey Council from Mr and Mrs G H MacLellan of 19th July 2009, and wish to be included as formal objectors to the scheme.

Yours faithfully

Mary O'Shea

23 Gisburn Rd
N8 7BS

2 Gisburn Road
Hornsey
N8 7BS
19th July 2009

Haringey Council Licensing Team
Lee Valley Technopark
Ashley Road
Tottenham
N17 9LN

To whom it may concern,

**New Premises Licensing Application Objection
No.5 Tottenham Lane, Hornsey N8 9DL (Funky Brownz)**

My husband and I wish to object to the proposal to change the use of 'The Wishing Well' public house on Tottenham Lane, to a nightclub.

We understand that the proposal is to reopen the premises as a *'hip bar restaurant with a shisha smoking lounge and dance floor'*, to be called *'Funky Brownz'*

More pertinently, however, we understand that the intention is to have the premises open until 4.30am on Fridays and Saturdays, 2.30am on Thursdays and 1.30am on all other days.

We have not received any correspondence from the council regarding a licensing review, or plans to enlarge the building, and have only learnt about these plans from an article that was written in the Hornsey and Crouch End Journal on Thursday 2nd July.

We have therefore have not been given a proper chance to prepare, or communicate our objections.

We live in Gisburn Road, which is a quiet residential street, within 200 metres of the proposed nightclub, and we have three children under the age of 5 years.

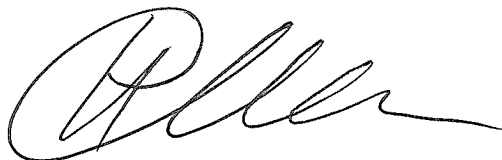
We are greatly concerned about the potential impacts such a proposal could have on our family and our neighbours. These include the following:

- 1) The possibility of disturbance late at night and in the early hours of the morning caused by inconsiderate users of the club causing noise and disorder, would be unacceptable, particularly to young children and those who have to work the next day.
- 2) It seems unlikely that such a facility could rely solely on the local community for custom and that it will be necessary to attract people from other areas. This raises the possibility that coach loads of people could be brought in, further exacerbating the point made above.
- 3) Local residents have complained in the past of noise, disruption, criminal damage and even fighting in gardens caused by customers of the former public house. The fear is that this could reoccur, probably be worse and certainly be later.

- 4) We also concerned about the possibility of criminal damage occurring to our car or our property, drink driving, anti social toilet behaviour, litter and police activity.
- 5) Although the current owner has ensured security, We are concerned that this will ensure that the night club is safe inside the premises and that any undesirable clients would be evicted from the premises, and would therefore be more likely to end up on our doorstep.
- 6) There is already dearth of parking spaces in the area and further demands created by the club would be intolerable.
- 7) We also believe that this could have a negative impact on the re-sale of our property, if not to the value, then it would certainly make the property a less attractive proposition, due to it's proximity to such an establishment.

We cannot overemphasize our worries about the effect this proposal could have on our children and our family life. Such a facility is totally inappropriate in or near a quiet, residential, family area, and would be more suited to a town centre. I object to it in the strongest terms.

Yours faithfully

A handwritten signature in black ink, appearing to read 'G.H. MacLellan', written in a cursive style.

Mr & Mrs G.H. MacLellan

6 Gisburn Road, London N8 7BS
Tel: (020) 8347 9694

Haringey Council Licensing Team
Lea Valley Technopark
Ashley Road
LONDON
N17 9LN

cc: Haringey Planning Ent
639 High Rd
N17 8BD

20 July 2009

Dear Sirs,

Re: New premises licensing application: OBJECTION
At: Funky Brownz, 5 Tottenham Lane, London, N8 9DL

We are concerned at the recent application for the premises referred to above to become an all night/late night club. For many years we have had to live with the realities that late night revellers bring to our little neighbourhood, eg; unacceptable levels of noise at all times of the night; fighting in the street; people using our streets as toilets etc.

We object to this application for an extended license being granted on the following grounds:

- Prevention of crime and disorder
- Public safety
- Prevention of public nuisance

We very much hope that the very real concerns of local residents will be taken into account when this application is considered. This area is not populated by clubbers but by families, many with young children, and a nightclub is a resource that we neither need nor welcome.

-2-

We already have to deal with severe parking problems and the granting of this application will do nothing to improve that situation. Nor will the sound of taxis etc arriving and leaving at all hours improve our quality of life.

Finally, there may be some revenue generated by a nightclub but this will be heavily outweighed by the additional costs to police, street-cleaning teams, noise abatement departments to name but a few.

We very much hope that you will NOT grant this application. A copy of this objection has also been copied to our MP, Lynne Featherstone, who takes an active interest in the well-being of her constituents.

Yours faithfully,

A handwritten signature in black ink, appearing to read "Doyle CB". The signature is written in a cursive, somewhat informal style.

Ann Doyle & Colin Brown

Cc: Lynne Featherstone, MP

Olson Kendra

From: Gabrielle Reidy [reidyg@gmail.com]**Sent:** 23 July 2009 00:52**To:** Licensing**Subject:** Objection to licensing application for "funky browns" 5 Tottenham Lane. N8 9DL

I wish to add my objection to the "Licensing Application" of FUNKY BROWNS at NO.5 Tottenham Lane, Hornsey,LONDON. N8 9DL. Many people had to move from living near "The Wishing Well Pub" because of the dreadful noise, disorder and public nuisance that occurred . This Ash Bar/ nightclub proposal presents a very serious breach of the local residents right to peace and safety. This is a residential area and we cannot tolerate the notion of "adult entertainment " granted permission to operate - until 4.30 in the morning! Issues of "prevention of crime and disorder" , "public safety" and surely the "prevention of harm" to our children will be raised. Yours sincerely, Gabrielle Reidy. 64 Tottenham Lane, N8 7EE.

This email has been scanned by the MessageLabs Email Security System.

For more information please visit <http://www.messagelabs.com/email>

Ms. Patrice Gale
4 Ribblesdale Road
London
N8 7EP

19 July 2009

OBJECTION TO LICENSING APPLICATION

Re: Funky Brownz / Ash Bar Limited, 5 Tottenham Lane N8 9DJ

To : Daliah Barrett (Licensing Lead Officer)

The following is in answer to the points in section 'P' of the application:

b) The premises are intended to be operated in a similar fashion to the Funky Brownz premises in The Hyde in Hendon. These are the same premises that in April were subject to a Summary Review by Barnet Council at the request of the Metropolitan Police due to a series of violent incidents and nuisance, including a stabbing and assault of a police officer, as well as a closure order on March 20th following a serious breach of public order due to the police opinion that "the management of the Premises was not strong enough to prevent further disorder". Prior to this Licensing review the premises in Hendon were able to open until 2am and it is fair to assume that circumstances will not improve by extending the opening period until 4am.

In addition the Summary Licensing review required the attendance of 5 SIA door supervisors rather than the three in this licence application. This notwithstanding, these individuals have neither the responsibility or authority to supervise the activity of customers once they have departed the premises and as local residents are all too aware from recent experience, the greatest disruption occurs when the premises are closing and all occupants are ejected on to the streets.

C) Even with no admittance after 2am this will provide ample opportunity for migration from other establishments in the area (the majority of which close at 1am) with further potential for violent flashpoints as customers of other establishments converge on Funky Brownz between the hours of 1am and 2pm.

D) Noise and disturbance has been a regular feature of the premises in the past. Situated in a largely residential area it is inevitable that this will deteriorate further the later the premises is able to stay open.

In addition, the outside smoking area is exposed to Tottenham Lane with no sound deadening measures in place, as well as offering the opportunity of illegal access or the supply of drinks to consumers outside of the premises.

The experience of the people of Hendon does not inspire confidence that a premises able to remain open until 4am will be a neutral influence on the local community or way of life. I stress again that this is a residential area, not a commercial high street, and the granting of a license as applied for will have a serious detrimental effect on the way of life of all local residents.

Regards

Patrice Gale.

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File Copy

Olson Kendra

From: PPatti1956@aol.com
Sent: 23 July 2009 09:33
To: Olson Kendra
Subject: Re: Funky Brownz Licensing Application
Attachments: Funky Brownz Licensing.doc; Licensing-Sub-agenda-and-report-pack-20-4-09.pdf

Dear Kendra Olson,

Hope this letter and information gets through to okay.

I have been talking to many of my neighbours and we are in agreement that it is unbelievable that a license could be given at all to this proposed establishment after reading about the incidents at The Hyde in Hendon.

I am sure that Haringey would not want any publicized incidents relating to violence and nuisance to the residents of Tottenham Lane and the surrounding area.

Many Thanks

Patrice Gale

This email has been scanned by the MessageLabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

Putting the Community First



MEETING
LICENSING SUB-COMMITTEE

DATE AND TIME
MONDAY 20 APRIL 2009 AT 7PM

VENUE
BARNET HOUSE, 1255 HIGH ROAD, WHETSTONE, N20 0EJ
(please report at Reception)

TO: MEMBERS OF THE COMMITTEE (Quorum 3)*

Councillors:

Wendy Prentice (Chairman)
John Hart
Susette Palmer

**This licensing authority will only allow licensing decisions to be taken by a minimum of three Councillors. In the event of one Member being unable to attend, their place will be substituted by another Member taken from the membership of the full Licensing Committee. In the event of this substitution taking place, all parties will be informed of the change of Membership at the beginning of the hearing.*

You are requested to attend the above meeting for which an Agenda is attached.

David Seabrooke, Democratic Services Manager

Democratic Services contact: Nick Musgrove 0208 359 2024

CORPORATE GOVERNANCE DIRECTORATE

To view Agenda papers on the website: <http://committeepapers.barnet.gov.uk/democracy>

FACILITIES FOR PEOPLE WITH DISABILITIES

Barnet House has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting please telephone **Nick Musgrove** on 020 8359 **2024**. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

ORDER OF BUSINESS

Item No.	Title of Report	Contributors
1.	ABSENCE OF MEMBERS	-
2.	DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS	-
3.	PROCEDURE AT MEETING	-
4.	APPLICATION FOR THE REVIEW OF A PREMISES LICENCE – Ash Bar/Funky Brownz, 63 The Hyde, West Hendon, London, NW9 6LE (West Hendon Ward) 10.30am(approx)	Democratic Services Manager / Licensing Officer
5.	MOTION TO EXCLUDE THE PRESS AND PUBLIC: That, under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting whilst the sub-committee deliberate the application	
6.	DELIBERATION BY THE SUB-COMMITTEE IN PRIVATE SESSION	
7.	RE-ADMISSION OF PRESS AND PUBLIC Announcement of the decision of the Sub-Committee	
8.	Any other items which the Chairman agrees are urgent	

Fire/Emergency Evacuation Procedure

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by Committee staff or by uniformed porters. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings.

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

LONDON BOROUGH OF BARNET

LICENSING SUB COMMITTEE

HEARINGS PROCEDURE

General points

The following procedure is based on Regulations made by the Secretary of State under the Licensing Act 2003 ("the Hearings Regulations") which may be viewed or downloaded from the website of the Department for Culture, Media and Sport by following links from www.culture.gov.uk

The procedure is intended as a general framework to ensure natural justice and a fair hearing. The conduct of individual hearings may vary slightly according to circumstances and the discretion of the Chairman. In all cases, however, this general framework will be followed.

The procedure allows each party a maximum period of 5 minutes in which to present their case (Regulations 16 & 24). At the end of the time allowed, the Chairman will terminate the presentation and the hearing will proceed in the form of a discussion led by the authority to explore points of dispute. The discussion will not be timed

The procedure is subject to periodic review and amendment to reflect best practice and relevant legislative changes. An updated version of this procedure is published as soon as possible following any such amendments.

Chairman

- Introduces him/herself and Members of the Committee, and outlines their roles.
- Introduces Licensing, Legal and Democratic Services Officers.
- Explains that Legal and Democratic Services Officers will be present during the Committee's deliberations to advise only, and that the Licensing Officer will be excluded from deliberations.
- Asks parties present to introduce themselves.
- Outlines procedure to be followed (Regulation 22).
- Asks all parties to confirm their understanding of the procedure.
- Clarifies any aspect(s) of the procedure where any parties are uncertain or asks Legal or Democratic Services Officer as appropriate to clarify.

DSO

- Informs Committee of absent parties.
- Details persons whom a party is seeking permission to represent them at hearing.
- Panel confer re permission.
- Chairman announces decision re permission.

Licensing Officer presents the report to the Committee

- Is a statement of the facts including details of the application and operating schedule, relevant policy details, detail representations made, a chronology of events and highlights the points on which the Authority requires clarification.

Applicant

- Presents opening submissions and clarifies points raised by Authority in notice of hearing. Time allowed 5 mins.

- Other parties**
- Presents opening submissions either in person or by spokes person Time allowed 5 mins per interested party.

Note regarding use of video evidence

Video evidence must be in DVD format and will form part of the relevant party's five minutes opening submission. Any party wishing to use video evidence must submit a copy to the Authority along with sufficient, identical extra copies to serve on all the opposing parties – i.e. if the applicant is submitting it, there must be enough copies for all parties making representations and if a party making representations is submitting it there must be a copy for the applicant. The recording must be edited down to the highlights, containing only relevant matter which relates to the written representation previously submitted. In addition, a description of how, when and where the video was recorded and what it contains must be submitted. These must be supplied to the Authority at least five working days before the hearing.

Members question Licensing Officer on Policy

Discussion

Chairman leads a discussion concentrating on points of dispute:

Chairman asks Applicant what he disputes in other parties' submissions, and asks other parties to comment.

Chairman proceeds through all objectors dealing with all matters of contention.

When Chairman feels all matters have been thoroughly discussed and all parties have been given a fair and equal opportunity to comment and make representations, she/he closes discussion.

Determination

There are two procedures depending on whether or not determination is to be made at the end of the Hearing or within five working days of the Hearing. This later announcement of determination is permitted in terms of the Legislation for certain types of applications.

Chairman informs all present that will deliberate, that Legal and DSO will remain to advise but will not be part of decision-making process, and that all others must leave (under Reg. 14).

- Parties, apart from Legal and Democratic Services Officer, leave the room.
- The Committee deliberates, with advice as required from Legal and Democratic Services Officers; and reaches a conclusion. The Legal officer may assist, as required, in formulating the wording of the determination.
- Parties return.
- Chairman reads out determination, and advises it will be sent in writing to all parties.
- Opportunity for determination to be clarified by any interested party who is unclear.
- Chairman gives advice about appealing against the determination.
- Chairman thanks all for attending and closes the meeting.

...Within five working days of the hearing

- Chairman explains requirement to determine the Hearing within five working days, and advises that the Committee will proceed to deliberate and announce the determination within that time.

- During deliberations, Legal and Democratic Services Officers remain to advise on law and procedure as required. The Legal Officer may assist, as required, in formulating the wording of the determination. The Licensing Officer plays no part in the determination and withdraws for this part of the proceedings.
- Chairman advises all parties that they will receive written notification of the determination within five working days of the Hearing date, together with general information on how to appeal against the determination.
- Chairman thanks all parties for attending and invites the applicant, objector(s), other party(ies) and the Licensing Officer to leave.

This version

December 2007

Information on Appealing against the decision

You may at any time before the expiration of a period of 21 days from notification appeal to Hendon Magistrates' Court, The Court House, The Hyde, Hendon NW9 7BY (Telephone 020 8511 1200, DX 154 720 Hendon 4) by way of Complaint for an Order. The Court may either dismiss the appeal, substitute for the decision appealed against any other decision which could have been made by the Licensing Authority or remit the case to the Licensing Authority to dispose of it in accordance with the directions of the court, and can make such order as to costs as it thinks fit.

Putting the Community First



AGENDA ITEM: 4 Pages 1 – 54

Meeting Licensing Sub-Committee

Date 20 APRIL 2009

Subject **Application for the review of a premises licence –
Ash Bar / Funky Brownz, 63 The Hyde, West
Hendon, London NW9 6LE (West Hendon)**

Report of Democratic Services Manager/Licensing Officer

Summary This report asks the Sub-Committee to consider an application
for a Review of a Premises Licence under the Licensing Act
2003.

Officer Contributors Jonathan Regal – Democratic Services (covering report)
Michelle Redland – Licensing Officer (Licensing Officer's
Report)

Status (public or exempt) Public

Ward(s) affected West Hendon

Enclosures Enclosure 1: Licensing Officer's Report

For decision by Licensing Sub-Committee

Function of Council

Reason for urgency /
exemption from call-in
(if appropriate) Not applicable

Contact for further information: Nick Musgrove, Democratic Services, Tel: 020 8359 2024

1. RECOMMENDATIONS

- 1.1 That the Sub-Committee consider the application for a Review of a Premises Licence.

2. RELEVANT PREVIOUS DECISIONS

- 2.1 Decision of Licensing Sub-Committee dated 25 March 2009.
2.2 Decision of Licensing Sub-Committee dated 27 March 2009.

3. CORPORATE PRIORITIES AND POLICY CONSIDERATIONS

- 3.1 The Council's Licensing Policy.

4. RISK MANAGEMENT ISSUES

- 4.1 Not applicable.

5. EQUALITIES AND DIVERSITY ISSUES

- 5.1 Licence applications are dealt with according to the provisions of the Licensing Act 2003 and associated Regulations which allow both applications and representations to applications to be made by all sectors of the community.

6. FINANCIAL, STAFFING, ICT AND PROPERTY IMPLICATIONS

- 6.1 None.

7. LEGAL ISSUES

- 7.1 The Licensing Act 2003 requires that before determining an application for a review the Licensing Authority must hold a hearing to consider it and any relevant representations within 28 days of the receipt of the Chief Officer's application.

8. CONSTITUTIONAL POWERS

- 8.1 The Licensing Sub-Committee will discharge the functions under the Licensing Act 2003 and associated Regulations, as delegated to it by the Licensing Committee.

9. BACKGROUND INFORMATION

- 9.1 The application and report of the Licensing Officer and appendices are attached to this report.

10. LIST OF BACKGROUND PAPERS

- 10.1 None.

Legal –

Enclosure 1

Licensing Officer's Report

Section 53A - LICENSING ACT 2003
'Summary reviews in serious cases of crime and disorder'

OFFICERS REPORT – SUMMARY EXPEDITED REVIEW

Ash Bar/Funky Browns, 63 – 65 The Hyde, London, NW9 6LE

1. The Applicant

On 23 March 2009 at 14:30 a Certificate under Section 53A(1)(b) and an application for a review of a premises licence under section 53A of the Licensing Act 2003 were delivered to the licensing team on behalf of Superintendent Seabridge of the Metropolitan Police Service. Both documents are attached as annexes 1 and 2 of this report.

2. Interim Hearings

Under Section 53 A of the Act, the licensing authority within 48 hours of receipt of the senior police officer's application, considered whether it is necessary to take interim steps pending determination of this review of the premises licence. The hearing took place on 25 March at 10am where it was decided that the licence be amended to show the following:

1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Thursday, Friday, or Saturday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises. No admission or readmission after 12.30am (00:30hrs) on those nights.
2. A 'calm down' period of 20 minutes in the nightclub prior to closing.

The remaining conditions to be as submitted by the Police, namely:

3. All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any current terminal hour for the club.
4. SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed.
 - o The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels
 - o 5 SIA door supervisors will be employed at any time when the club is open.
 - o If the club is closed then the requirement for SIA door supervisors may be reduced to 2 at the discretion and risk assessment of the premises licence holder.
 - o If the club is hired for a private function the number of SIA door supervisors may be reduced in agreement with the Police. This will require completion and submission of an approved Police risk assessment form 14 days prior to the event.
5. There will be no external promotions at the venue. All functions at the premise will be controlled by the premises licence holder including the advertising and promotion of these events.
6. There shall be no direct access to the public by the intercommunicating doors between the bar/restaurant area and the club.

A second hearing was held on 27 March at 10:30am after the council had received a representation from the licence holder in relation to the interim steps taken by the Council. Condition numbers 1 and 2 as outlined above were amended by the licensing sub committee to read:

1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Thursday evening/Friday morning with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises.
2. A 'calm down' period of 20 minutes in the nightclub on any Friday evening/Saturday morning or Saturday evening/Sunday morning prior to closing at 2.00am.

The decisions of these hearings are attached to this report as annexes 3 and 4 and the representation received by the Council on behalf of the premises licence holder is shown as annex 5.

3. The application

The application made by the Metropolitan Police Service states that they are of the opinion that this premises are associated with serious disorder. Within the certificate submitted with this review the Superintendent states the reason for this type of application having been made was that:

.....In recent weeks there has been a significant and real increase in disorder and alcohol related offences at these premises (information contained in supporting document). A standard review would be inappropriate as it does not allow for the immediate enforcement of conditions by means of the "interim steps". These steps are required to ensure that the likelihood of any further disorder is greatly reduced pending the full review.

In addition to the certificate and the review application the police have also provided us with documents in which they suggest revisions to the licenses current conditions. This document is attached to this report as annex 6.

4. Current Premises Licence

Ash Bar / Funky Brownz has a Premises License under the Licensing Act 2003 which was originally granted on 6 August 2005 however was transferred to the current owners on 31 August 2006. Since then the following applications have been made to the licensing authority:

- a review application submitted by Mr Ralph Haynes, Noise and Statutory Nuisance for London Borough of Barnet which was heard on 1 November 2007; and
- an application to vary the premises licence.

The current licence for the premises has been written to include the decisions of all of the applications (and hearing decisions) made to this authority. A copy of the premises licence is attached at Annex 7. It details the hours the premises can be used for certain licensable activities and also specifies the conditions subject to which the licence has effect.

5. Representations

Interested Parties

We have received relevant representation from 2 local residents, and 1 from a Solicitors firm representing a client who lives in the vicinity of the premises. These representations relate to following licensing objectives:

- The Prevention of Crime and Disorder, and
- Prevention of Public Nuisance

One of the representations makes mention of nuisance caused by barking dogs and an Injunction order that was applied for to Barnet County Court. These issues despite relating to noise nuisance do not relate to the premises licence or its licensable activities and therefore cannot be taken into account when determining this review application. In any event the proceedings have concluded at Barnet County Court and the issues resolve. It is for this reason that the court documents referred to in the representation have not been attached to this report.

Responsible Authorities

There have been no representations received from any of the responsible authorities identified in the Licensing Act 2003.

All representations are attached to this report as annex 8.

5. Officer's Comments

Environmental Health have confirmed that there have been no noise nuisance call logged relating to any of the licensable activities since the review and variation applications were heard by the licensing sub committees in November 2007.

6. Guidance and Policy

Attached as annex 8 of this report is the Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007 (includes flow chart of the entire process).

The Council's Policy at Section 2.2, 2.3 3.1 and 3.2 refer to our Policy Objectives and Licensing Principles.

The Guidance issued under Section 182 Licensing Act 2003 June 2007 at 2.38 and at 2.39 refers to the control of behaviour away from licensed premises.

2.38 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives.

2.39 Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

The Guidance at 2.41 to 2.50 refers to the protection of children from harm.

7. Determination

The sub-committee shall determine the application in accordance with Section 53C of the Licensing Act 2003.

S 53C

- (2) The relevant licensing authority must –
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps as mentioned in subsection (3) (if any) as to considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review any interim steps having effect pending that determination cease to have effect (except so far as they are compromised in steps taken in accordance with paragraph (b))

- (3) Those steps are –
 - (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months, or
 - (e) the revocation of the licence.

- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added.
- (5) Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6) Where the authority takes a step mentioned in subsection (3) (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period(not exceeding three months).

Full Copies of the Councils Statement of Licensing Policy, the Statutory Guidance to the Act and the Council's Guide to Good Practice at Licensed Premises will be available at the Licensing Sub Committee hearing or in advance if required.

ATTACHMENTS

- ANNEX 1 – Certificate under Section 53A(1)(b)
- ANNEX 2 – Application for a review of a premises licence under section 53A of the LA 2003
- ANNEX 3 – Decision of Hearing on 25 2009
- ANNEX 4 – Decision of hearing on 27 March 2009
- ANNEX 5 – Premises Licence Holder representation to interim steps
- ANNEX 6 – Suggested revised conditions received from the Police
- ANNEX 7 – Premises Licence
- ANNEX 8 – Relevant Representations
- ANNEX 9 – Guidance issued by Secretary of State for Culture, Media and Sport on Expedited and Summary Licence Reviews – October 2007 (includes flow chart of the entire process)

Report By: Michelle Rudland
Date: 8 April 2009

Section 53A - LICENSING ACT 2003
'Summary reviews in serious cases of crime and disorder'

OFFICERS REPORT – EXPEDITED REVIEW

Ash Bar/Funky Browns, 63 – 65 The Hyde, London, NW9 6LE

Determination and Notification

Determination in accordance with Section 53C of the Licensing Act 2003.

- (2) The relevant licensing authority must –
 - (a) hold a hearing to consider the application for the review and any relevant representations;
 - (b) take such steps as mentioned in subsection (3) (if any) as to considers necessary for the promotion of the licensing objectives; and
 - (c) secure that, from the coming into effect of the decision made on the determination of the review any interim steps having effect pending that determination cease to have effect (except so far as they are compromised in steps taken in accordance with paragraph (b))
- (3) Those steps are –
 - (a) the modification of the conditions of the premises licence;
 - (b) the exclusion of a licensable activity from the scope of the licence,
 - (c) the removal of the designated premises supervisor from the licence,
 - (d) the suspension of the licence for a period not exceeding three months, or
 - (e) the revocation of the licence.
- (4) For the purposes of subsection (3)(a) the conditions of a premises licence are modified if any of them is altered or omitted or any new condition is added
- (5). Subsection (2)(b) is subject to sections 19, 20 and 21 (requirement to include certain conditions in premises licences).
- (6). Where the authority takes a step mentioned in subsection (3) (a) or (b), it may provide that the modification or exclusion is to have effect only for a specified period(not exceeding three months).

Notification in accordance with Section 52 (10) of the Licensing Act 2003.

10. Where a licensing authority determines an application for review under this section it must notify the determination and its reasons for making it to-

- (a) the holder of the licence,
- (c) any person who made relevant representations, and
- (d) the chief officer of police for the police area (or each police area in which the premises are situated).

11. A decision under this section does not have effect until -

- (a) the end of the period given for appealing against the decision, or
- (b) if the decision is appealed against, until the appeal is disposed of.

Steps taken (if any)	Reason(s)

Steps taken (if any)	Reason(s)

ANNEX 1

ANNEX B

The Metropolitan Police Service Barnet
Colindale Police Station,
Graham Park Way
Colindale
NW9 5TW

CERTIFICATE UNDER SECTION 53A(1)(b) OF THE LICENSING ACT 2003

I hereby certify that in my opinion the premises described below are associated with serious crime / serious disorder / both serious crime and serious disorder¹.

*Premises*²:

Funky Brownz
63 – 65 The Hyde
London
NW9 6LE

Premises licence number (if known): LN/199906627

Name of premises supervisor (if known): Mr Avinash Patel

I am a Superintendent ³ in the Metropolitan police force.

I am giving this certificate because I am of the opinion that other procedures under the Licensing Act are inappropriate in this case, because⁴:

Serious disorder took place at the premises in the early hours of Friday 20th March 2009 resulting in seven arrests.

Since the 13th February 2009 there have been 11 calls to these premises relating to violent offences, disorder, offensive weapons. One male has been stabbed and two Police officers assaulted. These have all involved people associated with the premises.

A seven point action plan was implemented on the 2nd March 2009 following

¹ Delete as applicable.

² Include business name and address and any other relevant identifying details.

³ Insert rank of officer giving the certificate, which must be superintendent or above.

⁴ Give a brief description of why other procedures such as a standard review process are thought to be inappropriate, e.g. the degree of seriousness of the crime and/or disorder, the past history of compliance in relation to the premises concerned.

concerns. Early indications are that the management of the premises have failed to follow this action plan resulting in the serious disturbance on Friday 20th March.

In recent weeks there has been a significant and real increase in disorder and alcohol related offences at these premises. (information contained in supporting document)

A standard review would be inappropriate as it does not allow for the immediate enforcement of conditions by means of the "interim steps". These steps are required to ensure that the likelihood of any further disorder is greatly reduced pending the full review.

.....
(Signed)

(Date)

**Information & Crime Reports Funky Brownz 63 – 65 The Hyde London
NW9 6LE**

Since the 13th February 2009 there have been 11 calls to the location of Funky Brownz relating to violent offences, disorder and offensive weapons. One male has been stabbed two Police officers assaulted and CS spray along with batons have been deployed by Police Officers due to the level of disorder. These incidents have all involved people associated with the premises.

A seven-point action plan was implemented on the 2nd March 2009 following earlier concerns re the management at the premises, type of event being promoted, and increase in disorder.

Unfortunately it would seem that some of the Police recommendations were not complied with and serious disorder took place on the morning of Friday 20th March 2009. London Borough of Barnet CCTV picked up a fight shortly before 2am. It was apparent that a large number of people were involved. First officers on scene called for urgent assistance and the majority of the night duty team attended. Dog teams and officers from surrounding Boroughs supported them.

During the fighting CS spray was deployed against one male. A female officer whilst defending herself from an attack by a female armed with a bottle sustained an injury to her hand. A male officer was also kicked about the head by another female and has sustained bruising to the area adjacent to his left eye. Five people were arrested at the scene for offences of affray, assault on Police, offensive weapon and Public Order offences. Further enquiries are ongoing to identify and arrest other offenders.

Closure Order Sect 160 Licensing Act 2003

On the authority and information of Superintendent Tucker a closure order was granted by district judge Daber, at Hendon Magistrates Court, under sect 160 Licensing Act 2003. The Closure Order was effective for a period of 24 hours starting at 19:00hrs on Friday 20th March 2009 until 19:00hrs on Saturday 21st March 2009. This order was applied for due to the Police concerns that there would be further violence that evening due to people returning to seek retribution, and that the management of the premises was not strong enough to prevent further disorder.

Date & Time	Crime Report Reference	Brief Details of Incident
13/02/2009 23:30	2404024/09	ABH & M/Wound VIW1 and VIW2 are brother and sister. They were both attacked by SUSP1 outside the bar at location and suffered injuries where the skin was broken and blood drawn
13/02/2009 01:55	CRIS 2403520/09	GBH Victim was stabbed by an apparent unknown suspect, the victim was unable/unwilling to give any account of what happened or description of Suspect, he claimed that he did not know what happened
14/02/2009 02:15	CRIS 2403598/09	ABH & M/Wound Following a disturbance outside the ASH bar police attended and spoke to VIW1 who had a bloody nose and VIW2 who had a bruise to his forehead. They pointed out the suspect as being one of their attackers
22/02/2009 02:30	CRIS 2404188/09	ABH & M/Wound By suspect hitting VIW1 & 2 causing visible injuries

02/03/2009	ACTION PLAN	Meeting held at Colindale Police Station to discuss recent disorder at the premises Action plan agreed and copied to those attending: Rajendra Patel (Dad) Raigini Patel (Mum) Vaishali Patel (Daughter) Avinash Patel (Son) DPS
20/03/2009 01:55	2406348/09	ABH & M/Wound Viw 1 and viw 2 attacked by suspects in public house as they were asking them to leave the venue.
20/03/2009 02:10	2406344/09	Assault on Police VIW 1 WAS ASSISSTING IN THE ARREST OF SUSP 1 AND SUSP 1 KICKED VIW 1 IN THE RIGHT THIGH CAUSING INJURIES SHOWN
20/03/2009 02:10	2406347/09	Affray BY SUSPECT RUNNING TOWARDS OFFCIERS AND MOP SHOUTING AGGRESSIVELY WITH FISTS CLENCHED AND RAISED
20/03/2009 02:04	2406345/09	Assault on Police Police called to location as result of urgent assistance. Upon arrival Suspect was restrained and as trying to aid other officers Suspect has kicked out sticking officer in the face causing visible injuries.
20/03/09 02:15	2406342/09	Offensive Weapon

FORM FOR APPLYING FOR A SUMMARY LICENCE REVIEW

[Insert name and address of relevant licensing authority and its reference number (optional)]

London Borough of Barnet Licensing Team, Building 4, North London Business Park,
Oakleigh Rd South, London N11 1 NP

**Application for the review of a premises licence under section 53A of the
Licensing Act 2003 (premises associated with serious crime or disorder)**

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 the 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.**

I Sergeant Mark Altman [on behalf of] the chief
officer of police for
the Metropolitan Police (Barnet) police area apply for the review
of a premises licence under section 53A of the Licensing Act 2003.

1. Premises details:

Postal address of premises, or if none or not known, ordnance survey map reference or description:

**Funky Brownz
63 – 65 The Hyde**

Post town: London

Post code (if known): **NW9 6LE**

2. Premises licence details:

Name of premises licence holder (if known): Vaishali Patel and Ragini Patel

Number of premises licence holder (if known): LN/199906627

3. Certificate under section 53A (1)(b) of the Licensing Act 2003 [Please read guidance note 1]:

I confirm that a certificate has been given by a senior member of the police force for

the police area above that in his opinion the above premises are associated with serious crime or disorder or both, and the certificate accompanies this application.

(Please tick the box to confirm)

4. Details of association of the above premises with serious crime, serious disorder or both:

[Please read guidance note 2]

PLEASE SEE ATTACHED DOCUMENT:

"Information & Crime Reports Funky Brownz 63 – 65 The Hyde London NW9 6LE"

Signature of applicant:
Date: 23rd March 2009
Capacity: Licensing Officer

Contact details for matters concerning this application:

Address: Whetstone Police Station 1170 High Road Whetstone London N20 0LW

Telephone number(s): 0208 733 5261

Email: sx-licensing@met.police.uk

Notes for guidance:

1. A certificate of the kind mentioned in the form must accompany the application in order for it to be valid under the terms of the Licensing Act 2003. The certificate must explicitly state the senior officer's opinion that the premises in question are associated with serious crime, serious disorder or both.

Serious crime is defined by reference to section 81 of the Regulation of Investigatory Powers Act 2000. In summary, it means:

- conduct that amounts to one or more criminal offences for which a person who has attained the age of eighteen and has no previous convictions could reasonably be expected to be sentenced to imprisonment for a term of three years or more; or
- conduct that amounts to one or more criminal offences and involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.

Serious disorder is not defined in legislation, and so bears its ordinary English meaning.

2. Briefly describe the circumstances giving rise to the opinion that the above premises are associated with serious crime, serious disorder, or both.

DECISIONS OF THE LICENSING SUB-COMMITTEE

25 MARCH 2008

Sub-Committee:

*Councillor Joanna Tambourides (Chairman)

*Councillor Hugh Rayner

*Councillor Mukesh Depala

*denotes Member present

Officers to the Panel

Debra Allday – Legal Services

Nick Musgrove – Democratic Services

Licensing Officer

Michelle Rudland

Metropolitan Police

Sgt Mark Altman

Inspector Simon Roberts

Council Officer attending as observer

Victoria Gray – Legal Services

Also in attendance as observers only were Messrs Patel snr. & jnr., family members representing the licence holders, accompanied by their legal representative Sally Hills of Turbervilles, solicitors.

1. **ABSENCE OF MEMBERS:**
All Members were present.
2. **DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:**
No interests were declared.
3. **THE ASH BAR/FUNKY BROWNZ, 63 THE HYDE, WEST HENDON, LONDON NW9 6LE:**

The Sub-Committee had before it an application by the Metropolitan Police Service for an expedited review of a premises licence under section 53A of the Licensing Act 2003.

The Chairman introduced the parties present and explained the procedure which would be followed at the meeting. The purpose of the meeting was to consider whether interim measures were necessary pending the licence review, to be held within 28 days of receipt of the application.

The Sub-Committee then considered the application and the evidence submitted by the Metropolitan Police Service. Sgt Altman outlined the incidents which had led to an Action Plan being agreed between the Police and the License holders' representatives on 2nd March 2009 to address the problems experienced and supplied a copy of the Plan at the meeting. He then

- outlined the further incidents that had resulted in the Action Plan being breached and prompted the application now under consideration;
- submitted a list of suggested conditions that if attached to the licence during the interim period leading to the full licence review, would in the opinion of the Police, permit the premises to operate during this period.

4. EXCLUSION OF THE PRESS AND PUBLIC:

RESOLVED – That, under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, the public be excluded from the meeting for the following item of business:

Consideration of decision

5. RE-ADMISSION OF THE PRESS AND PUBLIC:

RESOLVED – That the press and public be re-admitted.

6. ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE:

RESOLVED – That the Sub-Committee, having considered the representations of the Police in the case of the expedited review of a premises licence for the Ash Bar/Funky Brownz agree that the Licence be amended in accordance with the conditions requested by the Police subject to variations to the first two points so as to read as follows:

1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Thursday, Friday, or Saturday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises. No admission or readmission after 12.30am (00:30hrs) on those nights
2. A ' calm down ' period of 20 minutes in the nightclub prior to closing.

The remaining conditions to be as submitted by the Police, namely

3. All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any current terminal hour for the club
4.
 - SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed
 - The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels

- 5 SIA door supervisors will be employed at any time when the club is open.
 - If the club is closed then the requirement for SIA door supervisors may be reduced to 2 at the discretion and risk assessment of the premises licence holder.
 - If the club is hired for a private function the number of SIA door supervisors may be reduced in agreement with the Police. This will require completion and submission of an approved Police risk assessment form 14 days prior to the event.
5. There will be no external promotions at the venue. All functions at the premise will be controlled by the premises licence holder including the advertising and promotion of these events.
6. There shall be no direct access to the public by the intercommunicating doors between the bar/restaurant area and the club.

The Sub-Committee also recommended that the action plan dated 2nd March 2009 should be implemented.

The reason for the conditions and recommendation is to comply with the Licensing Objectives, in particular: Crime & Disorder, and Public Safety

The Chairman announced these decisions and recommendation in the presence of the license holders' representatives and reminded them of their right to make representations against the decisions.

DECISIONS OF THE LICENSING SUB-COMMITTEE

27 MARCH 2008

Sub-Committee:

*Councillor Kate Salinger (Chairman)

*Councillor Andreas Tambourides

*Councillor Jim Tierney

*denotes Member present

Officers to the Panel

Bob Huffam – Legal Services

Nick Musgrove – Democratic Services

Licensing Officer

Michelle Rudland

Metropolitan Police

Sgt Mark Altman

Also in attendance were the following members of the Patel family, accompanied by their legal representative Sally Hills of Turbervilles, solicitors:

Raj Patel

Ash Patel

Vaishali Patel

Avinash Patel

1. **ABSENCE OF MEMBERS:**
All Members were present.
2. **DECLARATION OF MEMBERS' PERSONAL AND PREJUDICIAL INTERESTS:**
No interests were declared.
3. **THE ASH BAR/FUNKY BROWNZ, 63 THE HYDE, WEST HENDON, LONDON NW9 6LE:**

The Sub-Committee had before it representations against the decisions of the Licensing Sub-Committee which, on 25 March, had heard the Police request for an expedited review of the licence for these premises under section 53A of the Licensing Act 2003.

The Chairman introduced the parties present and explained the procedure which would be followed at the meeting.

The Sub-Committee were informed of the background to the case, and of the decision taken by the Sub-Committee on 25 March. This decision was now the subject of representations on behalf of the licence holders, via Ms Hills of Turbervilles, namely that

- “(a) The interim steps were disproportionate in all the circumstances*
- (b) That the premises licence holders were not given an opportunity of addressing the Licensing Sub-Committee [and] therefore feel that the Committee were not made fully aware of the circumstances.*
- (c) That the premises cannot trade effectively without the extended hours on a Friday and Saturday until 2.00am due to the very nature of the club which opens at 10pm*
- (d) Lastly that full co-operation with the Police has been given by our clients following the Closure Order and police have not instigated a suspension of the terminal hour on either a Friday or Saturday night”*

Sgt Altman submitted the attached slightly revised version of the suggested conditions that he had sought from the hearing on 25 March: he had agreed these with the licence holders and stated that the Police would be happy for the premises to continue to trade under these conditions in the interim period until the full licence review takes place.

The Licence holders, both directly and through Ms Hills in a verbal submission on their behalf, indicated their acceptance of the revised conditions proposed by the Police.

The Sub-Committee questioned the license holders and Sgt Altman, paying particular regard to

- the additional restrictions on Friday and Saturday nights imposed by the 25 March hearing;
- The contention that the problems experienced on Thursdays were due to the hosting of external promotions at the venue which would be precluded under the police proposals, had now been terminated by the management, and did not apply to the other nights.

The Chairman sought clarification of the definition of closure times proposed in sections 1 and 2 of the Police conditions, and all parties agreed that to avoid ambiguity these should read

- 1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Thursday evening/Friday morning with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises*
- 2. A ' calm down ' period of 20 minutes in the nightclub on any Friday evening/Saturday morning or Saturday evening/Sunday morning prior to closing at 2.00 am.*

4. EXCLUSION OF THE PRESS AND PUBLIC:

RESOLVED – Under Regulation 14(2) of the Licensing Act 2003 (Hearings) Regulations 2005, that the public be excluded from the meeting for the following item of business:

Consideration of decision

5. **RE-ADMISSION OF THE PRESS AND PUBLIC:**

RESOLVED – That the press and public be re-admitted.

6. **ANNOUNCEMENT OF THE DECISION OF THE SUB-COMMITTEE:**

RESOLVED – That the Sub-Committee agree to replace the decision taken by the Sub-Committee on 25 March with the points proposed by the Police on 27 March, subject to the amendment agreed above.

Final agreed points for Summary Review as submitted by Police (see amendments agreed above)

1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Friday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises
2. A 'calm down' period of 20 minutes in the nightclub prior to closing at 2.00 am.
3. All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any current terminal hour for the club
4. Condition 18 in annexe 2 of the premises licence was volunteered by the applicant and states that "six SIA registered door supervisors are employed at busy times". I would suggest that the following is applied as an interim step:
 - SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed
 - The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels
 - 5 SIA door supervisors will be employed at any time when the club is open.
 - If the club is closed then the requirement for SIA door supervisors may be reduced to 2. This reduction in doors supervisors is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
 - If the club is closed and the bar/restaurant also closes no later than 12:30am (00:30hrs) there shall be no requirement for door supervisors. This decision is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
 - If the any part of the premises are hired for a private function, the number of SIA door supervisors may be reduced or increased in agreement with the Police. This will require completion and submission of an approved Police risk assessment form 14 days prior to the event.
5. There will be no external promotions at the venue. All functions at the premise will be controlled by the premises licence holders and the Designated Premises Supervisor (DPS). This includes the advertising and promotion of these events
6. There shall be no direct access for the public via the intercommunicating doors between the bar/restaurant area and the club.

26/03 2009 THU 11:16 FAX 01895274557

ANNEX 5 001/002



Hill House
118 High Street
Uxbridge
Middlesex
UB8 1JT

tel 01895 201700
fax 01895 273519
ext 45116 Uxbridge
email solicitors@turbervilles.co.uk
www www.turbervilles.co.uk

your ref
our ref SH/sjh/133990-3

FAO: Michelle Rudland
London Borough of Barnet
Licensing Team
Building 4, North London Business Park
Oakleigh Road South
London
N11 1NP

25 March 2009

By Fax Only: 0208 361 7650

Dear Madam

Ash Bar/Funky Brownz, 63 The Hyde, West Hendon, London, NW9 6LE
Application for Summary Review of Premises Licence
Section 53(B)(6) Licensing Act 2006

We write further to our emails of today and confirm that we act on behalf of the Ash Bar Limited, the proprietors and Premises Licence Holders of the above property.

Following the hearing on 25th March 2009 we should be grateful if you would accept this letter as notice of representation against the interim measures imposed by the Licensing Sub-Committee by way of ex-parte application by the Metropolitan Police. Our Clients reasons for the representation are:

- (a) That the interim steps were disproportionate in all the circumstances
- (b) That the Premises Licence Holders were not given an opportunity of addressing the Licensing Sub-Committee therefore feel that the Committee were not made fully aware of the circumstances.
- (c) That the premises cannot trade effectively without the extended hours on a Friday and Saturday until 2 am due to the very nature of the club which opens at 10 pm
- (d) Lastly, full co-operation with Police has been given by our Clients following the Closure Order and Police have not instigated a suspension of the terminal hour on either a Friday or a Saturday night.

Commercial Property	Conveyancing	Corporate Commercial	Bank Recovery	Employment	Family	Licensing	Litigation and Dispute Resolution	Probate, Will and Trusts	Real Estate
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22 High Street - Uxbridge | 2A Western Parade - Hillingdon | 11 Crescent Parade - Hillingdon | Wilson House - Chorleywood
 partners: Sess Sigge • David Smith • Russell Hellen • Robert Dixon • John Clement • Diane Stevens • Marc Jones • Andrew Cameron
 associate solicitors: Sarju Kotecha • Dominic Gamble-Kemp • Julian Milam • Lydia Jenkins • Celia Whitlock • Kate Ryan • Maria EndaP • assistant solicitors: Wendy Gulleridge • Jennifer Moore
 legal executive: Andrew Dunley practice manager: Peter Moynihan estate agency manager: Derek O'Hanrahan
 Member of: Solicitors for the Elderly • Resolution • The Law Society's Children Panel • The Employment Lawyers Association
 The Association of Lawyers for Children • The Chartered Institute of Arbitrators • Affiliate of the British Institute of Insolvency
 Society of Trust & Estate Practitioners (STEP) • The European Employment Lawyers Association



REGULATED BY THE SOLICITORS REGULATION AUTHORITY



26/03 2009 THU 11:16 FAX 01895274557

002/002

We understand that arrangements have now been made for a hearing to take place tomorrow at 10.30 am at Bernet House. Please do not hesitate to contact Sally Hills should you have any queries.

Yours faithfully



direct dial 01895 201746
direct fax 01895 274557
email sally.hills@turtlevilles.co.uk

Annex 1 - Mandatory Conditions

1-8 all fine

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Each individual employed in the role of guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage must be licensed by the Security Industry Authority.
4. The admission of a child or young persons under the age of 18 to the exhibition of any film shall be restricted in accordance with any recommendations made by any film classification body and or persons designated as such by the Secretary of State under section 4 of the Video Recordings Act 1984.

Annex 2 – Conditions consistent with the operating schedule

5. This licence is granted in accordance with the published terms and conditions set out in the London Borough of Barnet's Entertainment Licensing Rules of Management for Places of Public Entertainment dated the 15th May 1989
6. The Premise Licence Holder and Premises Supervisor shall ensure that music provided at the premises shall not create any disturbance or annoyance to residents in the area. The Premise Licence Holder and Premises Supervisor shall monitor the music noise levels outside the premises, whenever the premises is in use under this licence, and take immediate action to reduce music levels so that music is inaudible in any residential premises.
7. There shall be no new admission or re-admission to the premises after 01.00 hours on Thursdays, Fridays and Saturdays
8.
 - a) The total number of persons present at any one time in the Function Room shall not exceed 150.
 - b) The total number of persons present at any one time in the Main Bar shall not exceed 100.
 - c) The premises shall be provided with adequate facilities to monitor and control the number of people present.
9. Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health safety, first aid, alcohol and drug awareness and conflict management. to be removed and changed to "all staff are trained in licensing law and their social responsibilities as a retailer of alcoholic products".
10. Customers will not be permitted to take open glass containers outside the premises, as defined in the plan submitted with the operating schedule and approved by the Licensing Authority.
11. The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the Licensing Authority.

12. A summary of the Premises Licence will be displayed at each public entrance to the premises.
13. Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.
14. The applicants will ensure that the premises are responsibly managed and supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.
15. The applicant monitors the need for door supervisors and in so doing takes into account any advice given by the Police.
to be removed as replaced by interim steps condition 18

16. Where existing, CCTV systems will continue to operate during the additional hours. to be removed and replaced with "a digital CCTV system is installed to the requirements of the Crime Prevention Officer"

- **Digital recording colour CCTV comprising a multi camera system.**
- **The head unit (recorder) for storing the images will store such data on a hard drive or a similar quality medium.**
- **A CD or DVD burner will also form part of the system to facilitate making copies of the images.**
- **If the head unit (recorder) is kept on the premises it must be located in a secure cabinet or other secure area, preferably out of the sight and reach of the public. The unit must be further secured by physical means to prevent anyone from merely picking up and removing the unit, e.g. a secure metal boot, or metal case strap, bolted to an immovable object like a wall or floor.**
- **The quality of the images must be of a sufficiently high standard to allow identification of the subject matter.**
- **Cameras will cover key areas identified by the operator and Police. These will include external cameras covering any outside area used by patrons of the premises, the external entrance and exit doors, clear headshots of persons entering the premises, approach route to the toilets, the bar and till areas and other areas not in full view from the bar.**
- **Images must be retained for a period of 31 days before overwriting.**
- **The images will be made available on reasonable demand by the Police and authorised officers of the London Borough of Barnet.**
- **At all times when the premises are open there shall be at least one person who is capable of operating the CCTV system if required to do so by the Police or authorised officers of the London Borough of Barnet.**
- **This system will be fully maintained at all times to ensure correct operation.**

17. In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.

18. Six SIA registered door supervisors are employed at busy times.
see interim steps

19. Bag searches are conducted at random
to be removed

20. Incidents are logged and recorded in a log book.

21. There is an established procedure for the confiscation of drugs agreed with local police.

22. Known troublemakers are barred.
22-33 to be removed and replaced with:

"No entry to the premises one hour before the end of the licensable activities".

"When the premises are open staff will carry out security checks to the premises including the toilet areas. A log will be kept of those checks."

Regular checks of the toilets are to be made and recorded, with intervals being no greater than one hour.

Police and LBB approved signs to be clearly displayed. The signs will be worded to advise clients that CCTV covers the premises and that there is zero tolerance to drugs and any other criminal activity. Besides any prosecution for offences anyone barred from these premises will also be barred from all of the other premises in the pubwatch scheme.

23. Signs are put up throughout the premises alerting customers to possible theft.
24. A burglar alarm is installed with red care.
25. Toilets are checked an average of 1/2 hourly daily and a log kept of the times/dates they are visited.
26. The premises operate the current local authority or similar 'proof of age' scheme and display the relevant literature.
27. Signs are displayed, warning customers about using drugs on the premises.
28. That the premises do not allow entry to the premises one hour before the end of licensable activities.
29. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.
30. There will be at least one Personal Licence Holder on duty during permitted hours.
When the "Club" section of the premises is open there shall be at least one Personal Licence Holder on duty during the hours, as shown on the licence, where the premises are open to the public
31. Safety signs and notices are in place.
32. Free drinking water is available to customers.
33. Floor staff conduct physical sweeps inside the premises to remove hazardous objects/waste.
34. Public transport information (including night time travel options) is available to customers.
34 & 35 change to "Public transport information and taxi cab numbers will be available to all customers".
35. Phone number of an allocated taxi firm displayed on the premises.
36. We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. The manager and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.
36-38 to be removed and replaced with
"acceptable forms of ID are (but not limited to) valid passport, photocard driving licence, PASS approved proof of age card."
37. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.
38. The Designated Premises Supervisor/ Personal Licence Holder and staff will at all times remain aware of their responsibilities under this objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age I.D. (i.e. an accredited 'Proof of Age' card or 'new type' driving licence with a photograph or passport with (photograph) where considered appropriate.

39. Children under the age of 18 will only be allowed on the premises as long as they are accompanied by their parents or other adults as part of a 'family' taking a table meal **or they are attending a pre booked function other than one where the nature of the function and entertainment is of an adult nature, and or, primarily involving the consumption of alcohol**
40. Challenge 21 Scheme will be adopted. Customers who appear to be 21 years or less are to be challenged when attempting to purchase alcohol.

Annex 3 – Conditions attached after hearing by the licensing authority

41. No patrons allowed in the northern access area of the premises next to 69 The Hyde NW9 at any time.
42. No patrons to be admitted or readmitted to rear smoking area after 11pm on Sunday, Monday, Tuesday, and Wednesday or after midnight on Thursday, Friday and Saturday.
43. Security staff to regularly monitor rear smoking area after 9pm each night to ensure no noise from patrons is clearly audible at nearest residential premises situated at Malvern Court and 69 The Hyde NW9. The partition of the smoking area connected to the premises structure is to be extended (by the 9th October 2007) so there are no gaps from the doors, roof or partition where it connects to the site perimeter fence to minimise noise break out from patrons in the smoking area.
44. The applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:
41 to 51 all fine but change 44 to read
"44. The Applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:
 - a) = 45
 - b) = 46
 - c) = 47
 - d) = 48
 - e) = 49
 - f) = 50
45. Measures the sound level in the premises by use of a tamper proof device permanently sited at the premises. Such sound pressure levels are to be measured in octave band frequencies of 16, 32, 63, 125,250 and 500 Hz
46. Immediately withdraws power to the amplifier in the event that preset sound levels of any or all of the individual octave bands which have previously been agreed by the Group Manager, Public Health and Nuisance at the London Borough of Barnet are exceeded. Such levels will be based upon inaudibility in residential properties between the hours of 2300 and 0700 hours. Outside of these times noise must not be at a level which causes a nuisance.
47. Is permanently fixed in the premises and cannot be altered, bypassed or tampered with in any way.
48. Is correctly installed by a competent person, being an electrician who is enrolled with NICEIC.
49. Includes electrical contact point switches fitted on all open able windows to the property; such switches to be fitted in series in a single electrical circuit loop such that in the event of the electrical contact switches becoming separated (by a window being opened) then the power to the amplifier is withdrawn immediately.

50. Includes electrical contact point switches fitted on all openable doors which are fire doors used other than to enter or leave the premises under normal circumstances; such switches to be fitted in series in a single electrical circuit loop together with the electrical contact switches fitted to the windows, such that in the event of the electrical contact switches becoming separated (by a fire door being opened) then the power to the amplifier is withdrawn immediately.
51. No empty bottles to be disposed of until after 10am the following morning.
52. The License holder is to attend all pub watch meetings and arrange meetings with the Area residents Association on a quarterly (3-monthly) basis.
change to "Management staff will endeavour to attend regular Pubwatch meetings"

Annex 4 - Plan

As submitted to the Council with the application for the variation of the premises licence under Section 34 of the Licensing Act 2003 and titled Licensing Plan.

Interim Steps

1. Terminal hour for all Licensable Activity to be no later than 1am (01:00hrs) on any Friday with the premises being closed and cleared by 1:30am (01:30hrs) of all persons with the exception of staff employed at the premises
2. A 'calm down' period of 20 minutes in the nightclub prior to closing at 2.00 am.
3. All licensable activity in the restaurant/bar area of the premises will end 30 minutes prior to any current terminal hour of the club. The restaurant/bar area will also close 30 minutes earlier than any current terminal hour for the club
4. Condition 18 in annexe 2 of the premises licence was volunteered by the applicant and states that "six SIA registered door supervisors are employed at busy times". I would suggest that the following is applied as an interim step:
 - SIA door supervisors will be employed on Thursday, Friday and Saturday from 8:30pm (20:30hrs) until 30 minutes after the premises have closed
 - The SIA door supervisors will wear a clearly identifiable jacket with high visibility (light reflective) panels
 - 5 SIA door supervisors will be employed at any time when the club is open.
 - If the club is closed then the requirement for SIA door supervisors may be reduced to 2. This reduction in door supervisors is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
 - If the club is closed and the bar/restaurant also closes no later than 12:30am (00:30hrs) there shall be no requirement for door supervisors. This decision is at the discretion and risk assessment of the premises licence holders and the Designated Premises Supervisor (DPS).
 - If any part of the premises are hired for a private function, the number of SIA door supervisors may be reduced or increased in agreement with the Police. This will require completion and submission of an approved Police risk assessment form 14 days prior to the event.
5. There will be no external promotions at the venue. All functions at the premise will be controlled by the premises licence holders and the Designated Premises Supervisor (DPS). This includes the advertising and promotion of these events
6. There shall be no direct access for the public via the intercommunicating doors between the bar/restaurant area and the club.

Licensing Act 2003**Part A:
Premises Licence**Premises Licence Number:
LN/199906627**Licensing Authority:**London Borough of Barnet,
Building 4, North London Business Park
Oakleigh Road South
New Southgate,
London,
N11 1NP**Part 1 – Premises details****Postal address of premises, or if none, ordnance survey map reference or description**

63 – 65 The Hyde

Post Town

London

Post code

NW9 6LE

Telephone number

0208 205 6266

Where the licence is time limited the dates

This premises licence is not time limited

Licensable activities authorised by the licenceThe sale by retail of alcohol,
The provision of regulated entertainment and
The provision of late night refreshment**The times the licence authorises the carrying out of licensable activities****Sale by retail of alcohol****Standard Days and Timings:**

Sunday to Wednesday

10:00 to 00.00 hrs

Thursday to Saturday

10:00 to 02.00 hrs

Non-standard timings:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.**The provision of regulated entertainment****The exhibition of films indoors only****The performance of live music indoors only****The playing of recorded music indoors only****The performance of dance indoors only****The performance of entertainment of a similar description to performance of live music, the playing of recorded music or performances of dance indoors only.****The provision of facilities for making music indoors only.****The provision of facilities for dancing indoors only.****The provision of facilities of a similar description to that of the provision of facilities for making music or the provision of facilities for dancing indoors only.**

Standard days and timings:

Sunday to Wednesday	10:00 to 00.00 hrs
Thursday to Saturday	10:00 to 02.00 hrs

Non-standard timings:

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

The provision of late night refreshment indoors only

Standard Days and Timings:

Sunday to Wednesday	23:00 to 00.00 hrs
Thursday to Saturday	23:00 to 02.00 hrs

Non-standard timings

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day.

The hours that the premises are open to the public

Standard days and timings:

Sunday to Wednesday	10:00 to 00.30 hrs
Thursday to Saturday	10:00 to 02.30 hrs

Non-standard timings

On the commencement of British Summer Time one hour to be added to the finish time above.

From the end of the sale of alcohol on 31st December until the start of the sale of alcohol on the following day

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

Both on and off the premises

Part 2

Name, (registered) address, telephone number and email (where relevant) of holder of premises licence

Vaishali Patel and Ragini Patel
51 Heber Road
Cricklewood
London
NW2 6AB

Tel: 07939192487

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 for the supply of alcohol

Mr Avinash Patel
89 Hazelville Road
London
N19 3NB

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

88421 - London Borough of Islington

Annex 1 - Mandatory Conditions

1. No supply of alcohol may be made under the premises licence-
 - (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
 - (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.
2. Every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.
3. Each individual employed in the role of guarding the premises against unauthorised access or occupation, against outbreaks of disorder or against damage must be licensed by the Security Industry Authority.
4. The admission of a child or young persons under the age of 18 to the exhibition of any film shall be restricted in accordance with any recommendations made by any film classification body and or persons designated as such by the Secretary of State under section 4 of the Video Recordings Act 1984.

Annex 2 – Conditions consistent with the operating schedule

5. This licence is granted in accordance with the published terms and conditions set out in the London Borough of Barnet's Entertainment Licensing Rules of Management for Places of Public Entertainment dated the 15th May 1989
6. The Premise Licence Holder and Premises Supervisor shall ensure that music provided at the premises shall not create any disturbance or annoyance to residents in the area. The Premise Licence Holder and Premises Supervisor shall monitor the music noise levels outside the premises, whenever the premises is in use under this licence, and take immediate action to reduce music levels so that music is inaudible in any residential premises.
7. There shall be no new admission or re-admission to the premises after 01.00 hours on Thursdays, Fridays and Saturdays
8.
 - a) The total number of persons present at any one time in the Function Room shall not exceed 150.
 - b) The total number of persons present at any one time in the Main Bar shall not exceed 100.
 - c) The premises shall be provided with adequate facilities to monitor and control the number of people present.
9. Staff are trained as appropriate in respect of relevant licensing law, the implementation of licence conditions, health safety, first aid, alcohol and drug awareness and conflict management.
10. Customers will not be permitted to take open glass containers outside the premises, as defined in the plan submitted with the operating schedule and approved by the Licensing Authority.
11. The consumption of alcohol will be restricted to those parts of the premises identified on the plan submitted with the operating schedule and approved by the Licensing Authority.
12. A summary of the Premises Licence will be displayed at each public entrance to the premises.

13. Notices will be displayed at each public entrance to the premises, which clearly state the premises policy on admission and searching.
14. The applicants will ensure that the premises are responsibly managed and supervised at all times to ensure that appropriate steps are taken to promote the four licensing objectives.
15. The applicant monitors the need for door supervisors and in so doing takes into account any advice given by the Police.
16. Where existing, CCTV systems will continue to operate during the additional hours.
17. In line with our Alcohol and Social Responsibility Policy there will be no promotions that encourage illegal, irresponsible or immoderate consumption.
18. Six SIA registered door supervisors are employed at busy times.
19. Bag searches are conducted at random
20. Incidents are logged and recorded in a log book.
21. There is an established procedure for the confiscation of drugs agreed with local police.
22. Known troublemakers are barred.
23. Signs are put up throughout the premises alerting customers to possible theft.
24. A burglar alarm is installed with red care.
25. Toilets are checked an average of 1/2 hourly daily and a log kept of the times/dates they are visited.
26. The premises operate the current local authority or similar 'proof of age' scheme and display the relevant literature.
27. Signs are displayed, warning customers about using drugs on the premises.
28. That the premises do not allow entry to the premises one hour before the end of licensable activities.
29. The Designated Premises Supervisor and their staff will at all times remain aware of their responsibilities for the prevention of crime and disorder on the premises and demonstrate a responsible attitude to the marketing and sale of alcohol.
30. There will be at least one Personal Licence Holder on duty during permitted hours.
31. Safety signs and notices are in place.
32. Free drinking water is available to customers.
33. Floor staff conduct physical sweeps inside the premises to remove hazardous objects/waste.
34. Public transport information (including night time travel options) is available to customers.
35. Phone number of an allocated taxi firm displayed on the premises.
36. We will at all times observe the law and ensure that alcohol is not served to people who are under 18 years of age. The manager and staff are briefed in the importance of their responsibilities in ensuring customers are over 18.

37. No adult entertainment (paid for by the company of a nude physical nature) is permitted at these premises. Any children under 16 remain the responsibility of the accompanying adult when using the premises (and/or exterior area). Staff are not allowed to be in sole supervision of children which remains the responsibility of the accompanying adult at all times.
38. The Designated Premises Supervisor/ Personal Licence Holder and staff will at all times remain aware of their responsibilities under this objective, including that alcohol shall not be sold to anyone under the age of 18. Staff on duty have been trained and made aware of these requirements and the need to demand an acceptable form of age I.D. (i.e. an accredited 'Proof of Age' card or 'new type' driving licence with a photograph or passport with (photograph) where considered appropriate.
39. Children under the age of 18 will only be allowed on the premises as long as they are accompanied by their parents or other adults as part of a 'family' taking a table meal.
40. Challenge 21 Scheme will be adopted. Customers who appear to be 21 years or less are to be challenged when attempting to purchase alcohol.

Annex 3 – Conditions attached after hearing by the licensing authority

41. No patrons allowed in the northern access area of the premises next to 69 The Hyde NW9 at any time.
42. No patrons to be admitted or readmitted to rear smoking area after 11pm on Sunday, Monday, Tuesday, and Wednesday or after midnight on Thursday, Friday and Saturday.
43. Security staff to regularly monitor rear smoking area after 9pm each night to ensure no noise from patrons is clearly audible at nearest residential premises situated at Malvern Court and 69 The Hyde NW9. The partition of the smoking area connected to the premises structure is to be extended (by the 9th October 2007) so there are no gaps from the doors, roof or partition where it connects to the site perimeter fence to minimise noise break out from patrons in the smoking area.
44. The applicant must ensure that the amplified music system in use at the premises includes a noise limiting device which:
45. Measures the sound level in the premises by use of a tamper proof device permanently sited at the premises. Such sound pressure levels are to be measured in octave band frequencies of 16, 32, 63, 125, 250 and 500 Hz
46. Immediately withdraws power to the amplifier in the event that preset sound levels of any or all of the individual octave bands which have previously been agreed by the Group Manager, Public Health and Nuisance at the London Borough of Barnet are exceeded. Such levels will be based upon inaudibility in residential properties between the hours of 2300 and 0700 hours. Outside of these times noise must not be at a level which causes a nuisance.
47. Is permanently fixed in the premises and cannot be altered, bypassed or tampered with in any way.
48. Is correctly installed by a competent person, being an electrician who is enrolled with NICEIC.
49. Includes electrical contact point switches fitted on all open able windows to the property; such switches to be fitted in series in a single electrical circuit loop such that in the event of the electrical contact switches becoming separated (by a window being opened) then the power to the amplifier is withdrawn immediately.
50. Includes electrical contact point switches fitted on all openable doors which are fire doors used other than to enter or leave the premises under normal circumstances; such switches to be fitted

51. No empty bottles to be disposed of until after 10am the following morning.
52. The License holder is to attend all pub watch meetings and arrange meetings with the Area residents Association on a quarterly (3-monthly) basis.

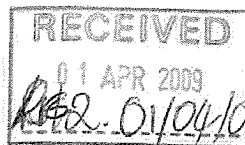
Annex 4 - Plan

As submitted to the Council with the application for the variation of the premises licence under Section 34 of the Licensing Act 2003 and titled Licensing Plan.

Michelle Rudland
Community Protection Group
London Borough of Barnet
Oakleigh Road South N11 1NP

28/3/09

Stephen Curry
53 Kingsbury Rd
London NW9 7HU



ANNEX 8

Dear Madam,

I am writing in as requested to let you know of the psychological impact the customers the Funky Brownz have had on my well being.

Over the space of several months I have been awoken by loud abusive swearing and bins being kicked over, In the Month of March I finally decided enough was enough and started reporting these incidents to the Police I made 3 calls to the Police on 1/3/09 Cad 1355, 14/3/09 Cad 10067 and 20/3/09 Cad 751.

I made a further Police report on the 20/3/09 regarding Criminal damage that had been done to my vehicle on the 20/3/09 Cad 3652.

These incidents would always happen in the early hours of Friday, Saturday and Sunday at around 2.45 AM which is around the same time customers make their way home from Funky Brownz therefore it is my belief that the perpetrators are from this late night Bar.

I have recently been prescribed anti-depressants due to the stress this Late Night Bar has caused me, It is not acceptable for my health to suffer through being awoken and feeling under siege therefore something has to be done.

Yours Sincerely

A handwritten signature in black ink, appearing to be "S. Curry".

Stephen Curry

Michelle Rudland
Community Protection Group
London Borough of Barnet
Oakleigh Road South N11 1NP

28/3/09

Dawn Fawdon
53 Kingsbury Rd
London NW9 7hu

Dear Madam,

I am writing to let you know I have had my sleep broken on a number of occasions by what I would consider as violence, I have seen a number of Asian men shouting throwing wheelie bins at each other, Also on 20/3/09 I heard a car being Vandalised.

This would normally happen on the weekends, I think this is being done by the customers of Funky Brownz.

Yours Sincerely



Dawn Fawdon

Salisbury House
London Wall
London
EC2M 5QY

Tel: 020 7628 7576
Fax: 0870 6089390
DX 33856 Finsbury Square
www.devonshires.com

Devonshires
Solicitors



Michelle Rudland
Licensing Officer
The London Borough of Barnet
Licensing Team
One Building
North London Business Park
Oakleigh Road South
London N11 1NP

Our Ref: JRHWES4\22\2779881

Also by fax: 020 8361 7650

6 April 2009

Dear Madam

Re: The Ash Bar and Funky Brownz, 63-65 The Hyde, West Hendon, London NW9 6LE

We refer to the above matter and to a forthcoming review hearing of the license to operate a pub to be heard in April 2009 by your offices.

We act for the Landlord of a tenant at 8 Rhodan Gordon Court, The Hyde, London NW9 6LE, the Westway Housing Association. The Westway Housing Association is an adjoining land owner of the Ash Bar and Funky Brownz at 63-65 The Hyde.

We have been instructed to address a letter to you for your consideration ahead of the above mentioned review of the Ash Bar and Funky Brownz licence to operate a pub.

Please be advised that our client and its tenants are concerned about noise nuisance emanating from the pub at all hours, particularly late at night. They are also concerned about dogs housed at the pub barking at all hours of the day and night, thereby disturbing our client's tenants.

On 28 August 2008 our client applied to the Barnet County Court for an Injunction Order pursuant to Sections 153(a) or (d) of the Housing Act 1996. We enclose herewith a copy of this application and attached witness statements for your attention.

The Order that our client sought in relation to the above mentioned hearing was an Injunction requiring the owners of the Ash Bar and Funky Brownz pub to place noise monitors near a cage, which at that stage had accommodated dogs at the property in order to detect the level of noise caused by them and also amongst other things, prohibiting the owners of the pub from threatening residents or otherwise engaging in activities that may affect the quiet enjoyment of anyone residing in the vicinity of 3-65 The Hyde, West Hendon, NW9 6LE.

At a hearing in the Barnet County Court on 28 August 2008, the owners of the pub gave the court an Undertaking promising to move the dogs inside the pub after 9pm until 12 noon at weekends and 7.30am during weekdays.

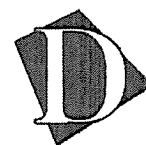
At a further hearing on 3 October 2008, the owners of the pub agreed to continue to house the dogs in the enclosure within the boundaries of the pub, between the hours of 9pm until



Partners: Allan Hudson, Duncan Brown, Jane Spencer, Andrew Cowan, Gareth Hall, Julie Bradley, Philip Barden, Nick Billingham, Daniel Clifford, Amanda Harvey, Paul Buckland, Sharon Kirkham, Mark London, Jane Mogollon, Andrew Crawford, Susan Hall, Nicola Philp, Andrew Castles, James Dunn, Jonathan Passman, Jonathan Ebsworth, Julian Barker, Antony Power, Paul Skelton, Andrew Thompson, Nick Grant, Jonathan Hulley, Helen Joyce.

THIS FIRM DOES NOT ACCEPT SERVICE BY ELECTRONIC MAIL OR FACSIMILE. THIS FIRM IS REGULATED BY THE SOLICITORS REGULATION AUTHORITY.

Page 2
2779881.1



12 noon at weekends and 9pm until 9.30am on weekdays. A copy of both County Court Orders are attached for your ease of reference.

We have been instructed that a resident of our client at Rhodan Gordon Court, 69-71 The Hyde, London NW9 6LE has between the period 12 November 2008 and 26 January 2009 complained to our client about further noise nuisance caused by the dogs at the pub, and in particular complaining about the dogs barking at all hours of the day and night, so that she is unable to sleep.

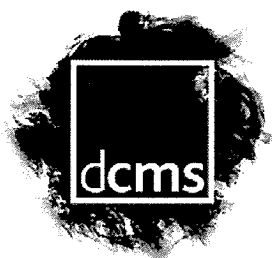
We were also instructed to advise that our client's tenants are concerned about noise nuisance emanating from the pub at all hours of the day and night, and also patrons urinating in public places near the pub, so as to cause a disturbance to our client's tenants.

Given the above circumstances, we are instructed to request that at the forthcoming hearing, you review the operating licence of the pub known as the Ash Bar and Funky Brownz, 63-65 The Hyde, West Hendon, London NW9 6LE so that the licence to operate is either revoked so that our client's neighbours are not disturbed after 10pm on weekdays and on weekends or the conditions of house amended.

Yours faithfully

Devonshires

Direct tel: 020 7880 4308
Direct fax: 020 7880 4265
e-mail: jonathan.hulley@devonshires.co.uk



department for
culture, media
and sport

LICENSING ACT 2003

(as amended by the Violent Crime
Reduction Act 2006)

EXPEDITED/SUMMARY LICENCE REVIEWS GUIDANCE

October 2007

improving
the quality
of life for all

Our aim is to improve the quality of life for all through cultural and sporting activities, support the pursuit of excellence, and champion the tourism, creative and leisure industries.

INTRODUCTION

1.1 This Guidance explains how to use new provisions in the Licensing Act 2003 (the 2003 Act) which allow a quick process for attaching interim conditions to a licence and a fast track licence review when the police consider that the premises concerned is associated with serious crime or serious disorder (or both). These provisions were inserted at section 53A of the 2003 Act by the Violent Crime Reduction Act 2006 and came into force on 1 October 2007. This guidance has no statutory basis but is intended to assist police forces and licensing authorities when considering using the new procedures.

1.2 The new powers apply only where a premises licence authorises the sale of alcohol. They do not apply in respect of other premises licences, nor to those operating under a club premises certificate. The purpose of the new powers is to complement existing procedures in the Licensing Act 2003 for tackling crime and disorder associated with licensed premises. The existing powers, in Part 8 of the 2003 Act, provide for the instant closure of premises by the police in some circumstances, and the review of premises' licences by the licensing authority. The new powers, which are in Part 3, are aimed at tackling serious crime and serious disorder, in particular (but not exclusively) the use of guns and knives.

1.3 The new powers will allow:

- the police to trigger a fast track process to review a premises licence where the police consider that the premises are associated with **serious** crime or **serious** disorder (or both); and
- the licensing authority to respond by taking interim steps quickly, **where appropriate**, pending a full review.

1.4 In summary, the process is:

- a local chief officer of police may apply to the licensing authority for an expedited review of a premises licence where a senior police officer has issued a certificate stating that in his/her opinion the premises are associated with serious crime or serious disorder (or both);
- on receipt of the application and the certificate the licensing authority must within 48 hours consider whether it is necessary to take interim steps pending determination of the review of the premises licence – the authority must in any event undertake a review within 28 days of receipt of the application.

1.5 The range of options open to the licensing authority at the interim steps stage are:

- modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- removal of the designated premises supervisor from the licence; and
- suspension of the licence.

1.6 Following the full licence review the Licensing Authority may do any of the above or may revoke the licence.

1.7 The purpose of this guidance is to:

- set out the circumstances where the power might be used; and
- outline the process and the steps at each stage.

1.8 The process is set out in the diagram at Annex A.

THE STEPS

2. Triggering the expedited review

2.1 Section 53A of the Licensing Act 2003 determines who may apply for an expedited review and the circumstances where it might be used.

Application for expedited review

2.2 The chief officer of police for the local area may apply to the relevant licensing authority for an expedited licence review if a **senior member** of the force has issued a **certificate** that in his/her opinion a licensed premises is associated with **serious crime or serious disorder (or both)**.

2.3 The key definitions used above are:

- **Senior member of the force:** this must be an officer of the rank of superintendent or above.
- **Certificate:** this is a formal note which identifies the licensed premises and includes a signed statement by a senior officer that he believes the premises is associated with serious crime, serious disorder or both. **This form is not prescribed in legislation. However, a sample form which forces may wish to adopt is attached at annex B to this guidance.**
- **Serious crime:** The tests to determine the kinds of conduct that amount to serious crime are set out in Section 81(3)(a) and (b) of the Regulation of Investigatory Powers Act (2000). Those tests are: (a) that the conduct constitutes an offence for which a person 21 years of age or over with no previous convictions could reasonably be expected to be sentenced to imprisonment for 3 or more years or (b) that the conduct involves the use of violence, results in substantial financial gain or is conduct by a large number of persons in pursuit of a common purpose.
- **Serious Disorder:** There is no definitive list of behaviours that constitute serious disorder, and the matter is one for judgment by the local police. The phrase should be understood in its ordinary English sense, as is the case under section 12 of the Public Order Act 1986, where it is also used.
- **The Application for a summary or expedited review:** this is an application made by, or on behalf of, the Chief Officer of Police under s.53A of the Licensing Act 2003. The application must be made on a form prescribed by Schedule 8A to the

Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42). Schedule 8A was inserted by the Licensing Act 2003 (Summary Review of Premises Licences) Regulations 2007 (SI 2007/2502), and must be accompanied by the certificate issued by a senior officer. The form which must be used is reproduced in annex C of this guidance.

2.4 In deciding whether to sign a certificate the senior officer will want to consider the following (as applicable):

- the track record of the licensed premises concerned and whether the police have previously had cause to give advice about serious criminal or disorderly conduct (or the likelihood of such conduct) attributable to activities taking place on the premises – it is not expected that this power will be used as a first response to a problem;
- the nature of the likely crime and/or disorder – is the potential incident sufficiently serious to warrant using this power?
- should an alternative power be deployed? Is the incident sufficiently serious to warrant use of the powers in Sections 161 – 165 in Part 8 of the Licensing Act 2003 to close the premises? Or could the police trigger a standard licence review to address the problem? Alternatively, could expedited reviews be used in conjunction with other powers? For example modifying licence conditions following the use of a closure power.
- what added value will use of the expedited process bring? How would any interim steps that the licensing authority might take effectively address the problem?

2.5 It is recommended that these points are addressed in the Chief Officer's application to the licensing authority. In particular, it is important to explain why other powers or actions are not felt to be appropriate. It is up to the police to decide whether to include this information in the certificate or in section 4 of the application for summary review. The police will also have an opportunity later to make representations in relation to the full review.

2.6 In triggering the process, the police will wish to take into account the fact that an intended use of the power is to tackle the use of dangerous weapons and the violence they fuel. For example, in appropriate circumstances the police might wish to make representations to the licensing authority suggesting that they modify the conditions of premises' licence to require searches of customers for offensive weapons upon entry. Under the new power this could be done on an interim basis, pending a full hearing of the issues within the prescribed 28-day timeframe.

2.7 Similarly, the power could, **where appropriate**, be used to reduce the risk of injury caused by glass by requiring the adoption of a safer alternative (but see paras 3.6 and 3.7 below).

2.8 However, as the explanatory notes that accompanied the Violent Crime Reduction Act state: 'These are selective measures. It is not the aim to require all licensed premises to undertake these searches or use toughened glass. Rather, the policy aim is to provide a selective tool, to be used proportionately, to limit this condition to those pubs that are at

risk either because police intelligence shows there is a risk of knives/guns being carried or because crime and disorder has occurred on the premises¹.

3. The Licensing Authority and the interim steps

3.1 Within 48 hours of receipt of the chief officer's application, the Licensing Authority must give the premises licence holder and responsible authorities a copy of the application for review and a copy of the certificate, and must also consider whether it is necessary to take interim steps. When calculating the 48 hour period any non-working day can be disregarded.¹

3.2 The licensing authority may wish to consult the police about the steps that it thinks necessary, pending the determination of the review, to address the immediate problems with the premises, in particular the likelihood of serious crime and/or serious disorder. The licensing authority may consider the interim steps without the holder of the premises licence having been given an opportunity to make representations. (This does not, of course mean that the authority *cannot* afford such an opportunity if it thinks it appropriate and feasible to do so in all the circumstances).

3.3 The determination of interim steps is not a matter that may be delegated to an officer of the licensing authority. The relevant decisions must be taken by the relevant licensing sub-committee, or by the authority acting as a whole (see new section 10(4)(via) of the 2003 Act). It should also be noted that there is no requirement for a formal hearing in order to take interim steps. This means that the relevant sub committee members can communicate by telephone or other remote means in order to reach a decision. A written record should always be produced as soon as possible after a decision is reached.

3.4 The interim steps that the licensing authority must consider taking are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence; and
- the suspension of the licence.

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

3.5 If the licensing authority decides to take steps at the interim stage then:

¹ This means that, for example, if the application was received at 3pm on a Friday, the 48 hour period would cover the remaining 9 hours on that Friday and the remaining 39 hours starting on the Monday morning (provided it was not a bank holiday). In this case the licensing authority would have to decide on interim steps by 3pm on the Tuesday.

- the decision takes effect immediately, or as soon after then as the licensing authority directs; but
- the licensing authority must give immediate notice of its decision and its reasons for doing so to the holder of the premises licence and the chief officer of police who made the application. The Act does not specify that the immediate notice has to be in writing. However, in an individual case the licensing authority may consider that the need for immediate communication at least initially requires a non-written approach, such as a telephone call. This may happen when, for example, the authority decides that the decision should have immediate effect. In such a case, the decision and the reasons for it should be explained clearly and in full to the licence-holder (or someone who is empowered to act for the licence-holder), and the call followed up as soon as possible with a written version of the decision and the reasons (for example by email or fax) which is identical, or not significantly different from the version given by phone.

3.6 The licensing authority in deciding when its decision on interim steps should take effect should consider the practical implications of compliance in relation to the premises. For example to comply with a modification of the conditions of a licence that requires employment of door supervisors, those running the premises may need some time to recruit appropriately qualified and accredited staff.

3.7 In addition, very careful consideration needs to be given to interim steps which would require significant cost or permanent or semi-permanent adjustments to a premises which would be difficult to remove if the outcome of the subsequent full review was to withdraw or modify those steps. For example, making structural changes, installing additional CCTV or replacing all glassware with safer alternatives may be valid steps, but might be disproportionate if they are not likely to be deemed necessary following the full review (or any subsequent appeal). The focus for interim steps should be on the immediate measures that are necessary to prevent serious crime or serious disorder occurring. In some circumstances, it might be better to seek suspension of the licence pending the full review, rather than imposing a range of costly conditions or permanent adjustments.

4. Making representations against the interim steps

4.1 The premises licence holder may make representations against the interim steps taken by the licensing authority. There is no time limit for the premises licence holder to make representations on the interim steps, although in practice this would at some point be superseded by the full review which would have to be completed within 28 days of the application being received by the licensing authority. On receipt of the representations the licensing authority must (if the representations are not withdrawn) hold a hearing within 48 hours of receipt. When calculating the 48 hour period any non-working day can be disregarded.

4.2 The licensing authority must give advance notice of the hearing to the premises licence holder and the chief officer of police. Given that these measures are designed to deal with serious crime and serious disorder on an interim basis only, the process is designed to avoid delay and, as such, significant portions of the Licensing Act 2003 (Hearings) Regulations 2005 (SI 2005/44) are disapplied in order to streamline the hearing process. One result of this is that licensing authority cannot adjourn the hearing to a later date if the licence holder fails to attend at the scheduled time, as is the case under the

normal review procedure. And as is the case with that procedure, the licence holder does not have to be present for the hearing to take place. In addition, there is no timescale for notifying the licence holder of the hearing under the modified Hearings regulations, providing the notification takes place before the hearing is held. However, it is imperative that the licence holder be given as much notice as is possible in the circumstances to afford him or her the maximum practicable opportunity to attend the hearing. Licensing authorities should bear in mind that the usual principles of public law decision-making will apply to interim determinations, in a form that has regard to the statutory context of an expedited process.

4.3 At the hearing the licensing authority must:

- consider whether the interim steps are necessary for the promotion of the licensing objectives; and
- determine whether to withdraw or modify the steps taken.

4.4 When considering the case the licensing authority must take into account:

- the senior officer's certificate that accompanied the application;
- the chief officer's representations (if any); and
- any representations made by the premises licence holder.

4.5 There is no right of appeal to a magistrates' court against the licensing authority's decision at this stage.

5. The review of the premises licence

5.1 The licensing authority must hold a review of the premises licence within 28 days of receipt of the chief officer's application. This must take place even if the chief officer asks to withdraw his application or representations. At the hearing, the licensing authority must consider:

- what steps it considers necessary for the promotion of the licensing objectives; and
- consider what steps should be taken to secure the promotion of the licensing objectives including whether the interim steps should be made permanent.

5.2 The steps the licensing authority can take are:

- the modification of the conditions of the premises licence;
- the exclusion of the sale of alcohol by retail (or other licensable activities) from the scope of the licence;
- the removal of the designated premises supervisor from the licence;
- the suspension of the licence for a period not exceeding 3 months; and
- the revocation of the licence.

Modification of the conditions of the premises licence can include altering or modifying existing conditions or adding any new conditions, including those that restrict the times at which licensable activities authorised by the licence can take place. Further examples of possible licensing conditions, including those aimed at tackling crime and disorder, can be found in the Guidance to Licensing Authorities issued by the Secretary of State under section 182 of the Licensing Act 2003.

5.3 The licensing authority must:

- advertise the review inviting representations from interested parties² for no less than seven consecutive days, by notice as described in regulation 38 of the Licensing Act 2003 (Premises licences and club premises certificates) Regulations 2005 (SI 2005/42), and, if applicable, on the authority's website (see regulation 38(1)(b) of the above Regulations). The relevant notices should be published on the day after the day of receipt of the chief officer's application.
- advertise that any representations made by the premises licence holder, responsible authority and interested parties should be submitted to the licensing authority within 10 working days of the advertisement of the review appearing.
- give formal notice of the hearing no later than five working days before the day or first day on which the hearing is to be held to the premises licence holder and to every responsible authority³.

5.4 A party shall give to the authority a notice no later than two working days before the day or the first day on which the hearing is to be held stating –

- whether he intends to attend or be represented at the hearing;
- whether he considers a hearing to be unnecessary.
- whether he would like permission for any other person (other than the person he intends to represent him at the hearing) to appear at the hearing and, if so, explain on which points that person will be able to contribute.

5.5 The regulations relating to hearings are set out in the Licensing Act 2003 (Hearings) Regulations 2005 (S.I. 2005/44). These Regulations apply to final hearings under the new power in a similar way to hearings following closure orders under section 167 of the Licensing Act (it should be emphasised that the truncated version of the Regulations described in paragraph 4.2 above applies to interim hearings only). The issues dealt with by the Regulations include who can make representations and what those representations can be about. It is therefore possible for interested parties or responsible authorities to make representations in relation to any of the licensing objectives, not just crime and disorder. Similarly, where it is in the public interest, the regulations relating to the exclusion of individuals from hearings, or conducting the hearing in private, will apply.

5.6 The licensing authority must take into account any relevant representations made. Relevant representations are those that:

² Interested parties are defined under section 13 (3) of the Licensing Act 2003.

³ Responsible authorities are defined under section 13(4) of the Licensing Act 2003.

- relate to one or more of the licensing objectives;
- have not been withdrawn; and
- are made by the premises licence holder, a responsible authority or an interested party (who is not also a responsible authority).

5.7 The licensing authority must notify its decision and the reasons for making it to:

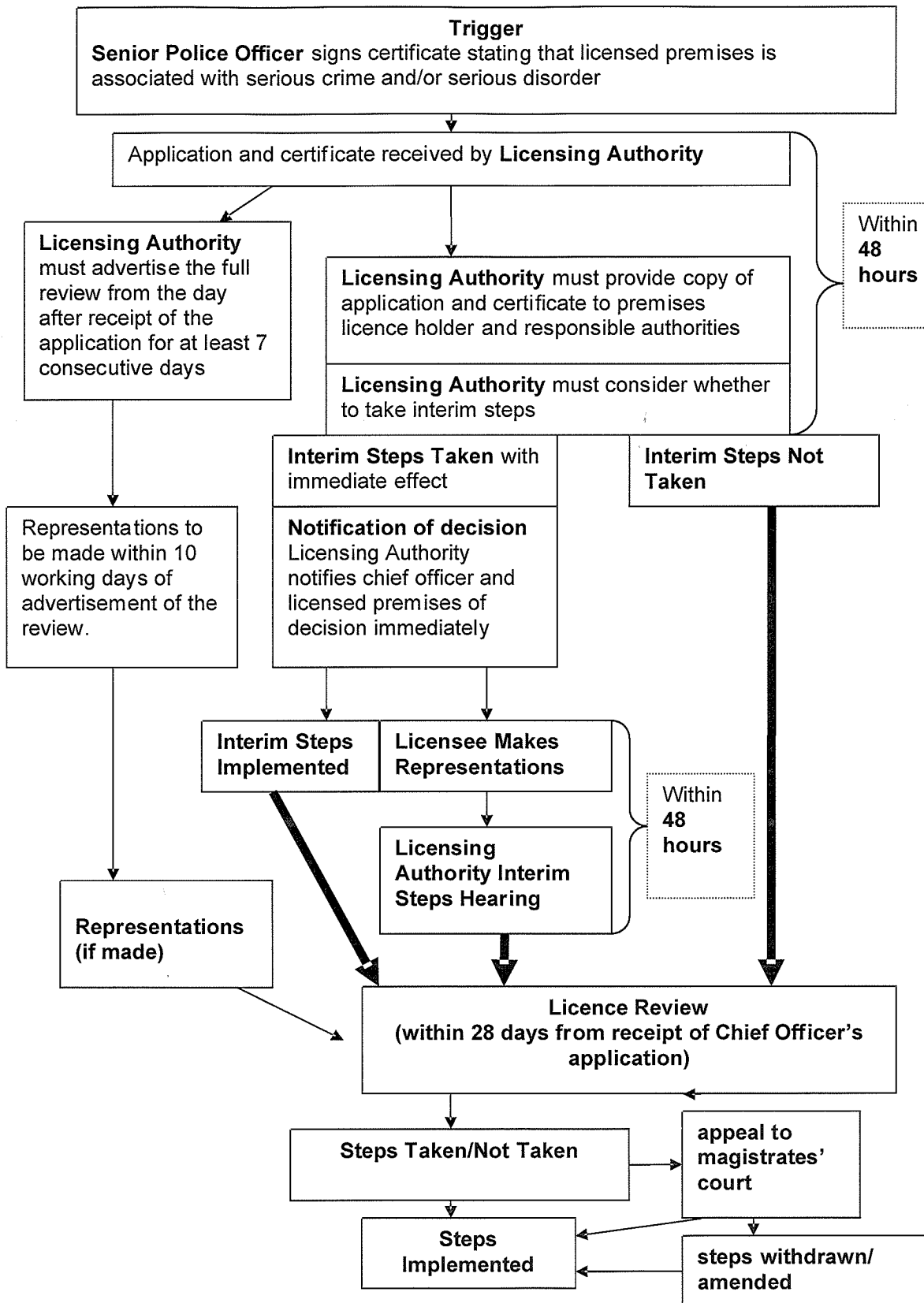
- the holder of the premises licence;
- any person who made relevant representations; and
- the chief officer of police who made the original application.

6. Right of Appeal

6.1 An appeal may be made within 21 days of the licence holder being notified of the licensing authority's decision to a magistrates' court. An appeal may be made by the premises licence holder, the chief officer of police and/or any other person who made relevant representations.

6.2 The decision of the licensing authority, following the review hearing, will not have effect until the end of the period allowed for appeal, or until the appeal is disposed of. Any interim steps taken will remain in force over these periods.

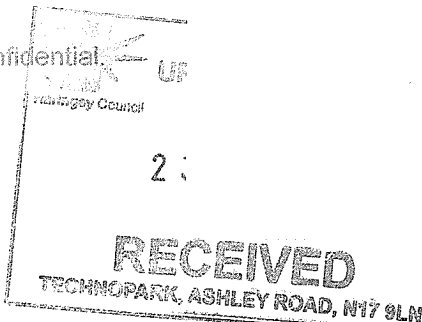
EXPEDITED LICENCE REVIEWS: MAIN STEPS



CONFIDENTIAL

I wish my Name & Address to remain Confidential.

Haringey Council Licensing Team.
Lee Valley TechnoPark,
Ashley Road,
Tottenham,
LONDON N17 9LN



22 July 2009

**Objections to The New Premises Extended Licence Application being granted
Pub/Bar Night Club FUNKY BROWNZ No 5 Tottenham Lane, Hornsey, London N8 9DL**

Previously Known as The Wishing Well 2009

Dear Sir or Madam,

I am writing a letter of objection as I consider the above Application being totally unreasonable and unacceptable with some of its requests to operate as a Bar? in this Residential part of Haringey. I have put forward my Observations, Views and Objections for the committee's consideration.

Observations :-

A/ Advertising, Unfair Notification delays:-

'Residents need to be given enough time'

a/ Hornsey & Crouch End Journal/ The property owner Raj Patel

The last few months the neighbourhood has been enjoying some piece and quiet from the terrible loud Music from the Pub sometimes during the day and late at night these past 15 years. But at the beginning of July 2009 I noticed the Pub was being re-furnished inside and out and wondered what was happening to it.

A couple of days latter I discovered from the front page of the Local News Paper, Hornsey & Crouch End Journal on Thursday 2 July 2009. It was under new management, renamed Funky Brownz.

Ref: Hornsey & Crouch End Journal, copy enclosed.

The article was written by Reporter Daisy Collins and describes the disappointment of local Residents to the application for an Extended Licence Application and included an interview with the owner Raj Patel about his plans for the old Pub.

Daisy Collins quoted;

"Owner Raj Patel said he was applying for a licensing review and residents are being sent letters this week".

Ref: column 3, Hornsey & Crouch End Journal, copy enclosed,

b/ Haringey Customers service switch board

I waited for over a week for this 'letter', hoping it would give me the information I needed for my Objection, still no sign of it I decided to contact Haringey Council to complain about it's delay. But I then had another week of trying to get through to Haringey customers service busy switch board and then through to your department. Eventually you explained that you don't send 'letters' to Residents at this stage of any licensing Application, but were very helpful with useful information. But I now only had 5 days left which doesn't give me enough time to prepare a letter, so I've had to take time off from my work.

c/ Owner Raj Patel reported false information?

* Owner Raj Patel said "he was applying for a licensing review and residents are being sent letters this week".

I'm sure Hundreds of people have been misled by his comment in the Local Paper like I was and are still waiting to receive these 'letters' from you?

It's unfair and annoying that we have this delay and we now have very little time left to reply before the 23 July 2009 deadline.

Ref: column 3, Hornsey & Crouch End Journal, copy enclosed,

d/ A4 Public Notice Advertising Extended Licence Application out of reach to the public!
Due to The Pub Refurbishment and Council Gas Board Contractors

Ash Bar Ltd. Builders have been doing major building work these past 4 weeks with scaffolding across the front of the building. It wasn't till yesterday I noticed that there was an A4 Window notice at the pub.

I haven't noticed it or been able to get to read it till today due to the access being restricted by The Gas Board Contractors who fenced off the path in front and the sides of the Pub to use heavy drilling equipment, big JCB Diggers and Llynch tractors with Skips etc. It hasn't appeared like a very safe place to be walking about.

But tonight bridges were placed by the Gas Contractors over the 5ft deep trenches creating safe walk ways to the Pub's window and in reach of its *A4 window Notice Advertising the licence application.

e/ A4 Public Notice Advertising Extended Licence Application is showing different opening times to the times it has actually applied for on the licensing contract?

The details of on the A4 notice posted in the Pub window is showing different times of opening to what has actually been applied for in the licensing Application contract dated 26 June 2009 and what was reported in the local press on Thursday 2nd July 2009.

Example of different opening times shown on A4 Window Advertising Notice;

Monday, Tuesday, Wednesday, Sunday – 10 am to 1 am

Thursday – 10 am to 2 am

Friday, Saturday – 10 am to 4 am

Ref: A4 Advertising Poster, copy of photograph enclosed.

f/ Why are Applications **always** presented during School Holidays when half the Residents in the borough are away?

Most of my neighbours in the area are students or have children and some of them went away 2 weeks ago for the School Summer Holidays and may not be back till the beginning of September. No doubt they would have also been waiting earlier in the month for the 'letter' as quoted in the local paper, that never came and consequently have not had chance to write in to complain about the Licence Application. I strongly feel the public should be given 2 months to respond to applications at this time of year, July/August!

B/ Ash Bar's Ltd's Responsibilities to the Licensing & Planning Application:- Your ref: page 20 section P

Application for a New Premises Licence to be granted under the Licensing Act 2003.

MESSRS TURBERVILLES SOLICITORS (REF:sh)

HILL HOUSE 118 HIGH STREET UXBRIDGE UB8 1JT . SOLICITORS FOR APPLICANT:

Consent of individual to being specified as premises supervisor; VAISMAU PATEL,
38 NORTHWOOD DRIVE, NORTH HARROW, MIDDLESEX, HA2 7PE.

Ash Bar Ltd. FUNKY BROWNZ, 5 Tottenham Lane, Hornsey, London N8 9DL

The contract reads Ref; I have sent copies of this application and the plan to responsible authorities and others where applicable.

Your ref: page 20, section P. point 3 & part 4, Box 3 is ticked and contract signed. Copy enclosed

The contract reads Ref; It is an offence to make a false statement...

Ash Bar Ltd. have apparently not notified any of the following authorities, described below about the alterations and the intended alternative use of the Pub/Bar, to date.

Would that therefore be considered to be a false statement in connection with their licence Application?

Your ref: page 20, P. paragraph 3, It is an offence? Copy enclosed

i/ Haringey Council's Building Control

Haringey Council's Building Control have told me that they have not received any application or plans from the new owner of the Pub, Ash Bar Ltd.

FUNKY BROWNZ, No 5 Tottenham Lane, Hornsey, London N8 9DL

*With regards to the Pubs change of use the internal and the external alterations to the building and land around such as New windows and doors? Wooden extension changed to new brick plaster walls? Alterations to outside buildings? described as Conservatory and Function Room, Sound Proofing throughout? Entertainment licensing, Safety certificates etc

Your ref :back page,

Plan of building produced for Ash Bar Ltd, New premises licence application, Copy enclosed

ii/ Planning Enforcement Department

Haringey Planning Enforcement Department have told me they have not received any application or plans from the new owner of the Pub, Ash Bar Ltd.

FUNKY BROWNZ, No 5 Tottenham Lane, Hornsey, London N8 9DL

*With regards to the Pubs change of use the internal and external alterations to the building and land around. Regulation subject responsibilities; use and development of land and trees, Listed Buildings etc

Will Previous Complaints and past History be presented? from:-
London Fire & Emergency and Hornsey Metropolitan Police

Noise Nuisance Team

Will previous complaints and Past History over the last 15 years be considered.

Especially about the excessive noise from music and the fact the Building does not have adequate (acoustic) sound proofing?

C/ Examples of Ash Bar Ltd. Licencing Objectives Criteria:-

Your ref: page 19 section P

The New Premises Extended Licence Application Contract Details Ash Bar Ltd.

Their objectives only refer to inside the premises and at the door and the smoking area outside. But it's what happens outside the premises, including their smoking garden, the premises entrance door, the surrounding streets, in local gardens and alley ways at the bus stop, on Hornsey Station platform, at the taxi office, etc, these are all potential problem areas:-

Your ref: page 19, P b). The prevention of crime and disorder, Copy enclosed

The New Premises Extended Licence Application Contract Ash Bar Ltd:

P a) Describe the steps you intend to promote the four licensing objectives;

The Premises licence Holder is an existing Licensee for Funky Brownz premises in

***The Hyde in Hendon. These Premises are intended to be operated in a similar fashion. The Directors of Ash Bar Limited are Personal Licence Holders.**

The New Premises Extended Licence Application Contract

P d) The prevention of public Nuisance

The premises will be fully air conditioned and sound proofed to prevent the escape of noise. External doors and windows will be kept closed when the premises are open ...

Your ref: page 19, P d). The prevention of public nuisance, Copy enclosed

D/ My Objections to The New Premises Licensing Application are :-

1/ The prevention of crime & disorder

Objections:

- 1/ ***The Hyde in Hendon. These Premises are intended to be operated in a similar fashion.** In a reviews on the internet it describes it as a Bar with under age drinking! (perhaps turning a blind eye, so as not to cause trouble or a money maker?)
- 2/ Damage Residents property- Cars, Buildings, Fences, Gardens.
- 3/ Fights at the entrance or in the street, by drunken Men and Women or Gangs
- 4/ Drink driving, ,
- 5/ Antisocial behaviour, drunks shouting in the street outside bedroom windows. Nearly 95% of homes/flats in the area sleep in bed rooms at the front of the house
- 6/ Antisocial behaviour, drunks using front gardens as toilets.
- 7/ Antisocial behaviour Litter empty bottles beer cans in gardens, paper
- 8/ Antisocial behaviour vomit in street and gardens
- 9/ Customers possibly caring weapons, knives
- 10/ Drug dealers, drugs in the street.
- 11/ There are only registered door supervisors on Thursday, Friday & Saturday
- 12/ There are no supervisors on Monday, Tuesday, Wednesday, & Sunday just staff?
- 13/ No one should be allowed to enter the building after 11.30pm otherwise is it not a club? Ash Bar Ltd. state no new admission after 2am. How does this does encourage public safety most of the guests will arrive drunk?
Your ref: page 19, Pc) Public safety Copy enclosed
- 14/ Local Business Security, Post Office Sorting House Vans and out side mail bags..
- 15/ Local Businesses damage to property, people climbing fences and entering.
- 16/ Drunks on Hornsey Train Station
- 17/ Extra Police Activity, sirens

2/ Public safety**Objections:**

- 1 / Intimidation from drunks in the street
- 2 / Intimidation from people on drugs
- 3 / Traffic coming and going all night
- 4 / Cars driving the wrong way in one way streets
- 5 / Drunk drivers and accidents
- 6 / Drunks on the station platform.

3/ The prevention of Public Nuisance**Objections:**

/ Example of hours of Sleep disturbance due to unreasonable excessive loud Music/Dj's and customers congregating outside and coming and going outside the premises every day and night of the week

The times below are based on 15 years experience of the previous Pubs Bars late night closing times, showing the real hours of continued Noise and disturbance from customers in the streets hanging around whilst they find their way home.

Closing Times Requested By Ash Bar Ltd	The time customers actually leave the Area average at least 1 hour later	The time the staff leave the area 1½ hours later	Local Residents Parents & children's sleep time left based 7am work/school alarm 9am Sat & Sun
Sun 1.30 am	2.30 am	3.0 am	6 hours
Mon 1.30 am	2.30 am	3.0 am	4 hours
Tues 1.30 am	2.30 am	3.0 am	4 hours
Wed 1.30 am	2.30 am	3.0 am	4 hours
Thur 2.30 am	3.30 am	4.30 am	2½ hours
Fri 4.30 am	5.30 am	6.0 am	1 hour
Sat 4.30 am	5.30 am	6.0 am	3 hours

This leaves local Resident Just 24 ½ hours a week left to try and sleep, when a proper weeks sleep should be at least 56 hours, 8 hours a night

- 1 / ***The Hyde in Hendon. These Premises are intended to be operated in a similar fashion.**
 'The Hyde in Hendon often attracts trouble makers' according to reports on the Internet, is this what we are likely to expect at Funky Brownz in Hornsey.
- 2 / Excessive noisy car traffic activity
- 3 / Car horns be sounded all night
- 4 / Slamming of car doors/car alarms/ horns blaring
- 5 / Lack of Parking spaces in the streets.
- 6 / Taxis sounding horns/
- 7 / Stationary Taxi's noisy diesel engines left running
- 8 / Cars racing away
- 9 / Cars driving the wrong way down the one way street
- 10 / Noisy customers leaving/ shouting in the street

- 11 / Noisy drunken guests arriving after Pub closing
- 12 / Noisy staff leaving/ more car doors slamming
- 13 / Noisy out side garden smoking area all night,
- 14 / Noisy Delivery lorries supplying food and drink in the early hours
- 15 / DJ's have the annoying style of turning their music up louder towards the end of their session before winding down
- 16 / Noisy coaches, Taxis
- 17 / The noise travels straight up the street like a loud hailer
- 18 / Sleep disruption to tired to work, Stress, anxiety
- 19 / Seasonal Noisy activity with more people in out side areas
- 20 / Noise of extra Police Activity

4/ The prevention of harm to children

Objections:

- 1 / The loud noise from the bar prevents the children having a proper nights sleep.
- 2 / The Bar The Hyde in West Hendon. In a review on the internet it describes staff allowing Children in and under age drinking!
- 3 / I strongly object to the Bar being used for any Pole dancing entertainment.
- 4 / I strongly object to the Bar being used by strippers
- 5 / Drunks on the train station platform and buses
- 6 / Drug taking

E/ Recommendations & Conclusions

Mainly based on the fact that the problems are related to the Bars very late hours of closing every day of the week and potential loud Music and customers disturbing the peace

The loud Music and loud behaviour of customers coming to and from the building is the main issue and problem for the Residents. The setting of the Pub gives the wrong impression because that it is mainly isolated, Hornsey Train Station and Railway Track, Servicing & MOT Car Sales Garage, Jewson Yard, The YMCA Club, The Royal Mail Sorting Office. Etc...

BUT because most of the businesses around it are set in open spaces and mostly empty at night the SOUND ACOUSTICS are intensified to the extent that ANY noise is directed straight ahead up Ribblesdale Rd and up and down Tottenham lane and radiates around all the near by streets.

Ref; Map enclosed

Recommendations for the Bars opening hours

- 1 / First a Trial Period 9 months normal Pub Hours.
Sun- Thur 10 am – 11 pm Sat – 10 am – 1 am
- 2 / Then a 'New Application'
with the closing times, reduced from original request
by at least 1½ hr Sun-Thur, 2½ hrs Fri- Sat,
- 3 / Guarantees about the whole building and conservatory being sound proofed
- 4 / The Installation and Sound Proofing of Double Doors to all Entrances,
to the Main door and Garden Door and Conservatory.
- 5 / Polite public notice Signs to customers asking them to respect Residents
positioned all around the building exits and garden and doors

Should the Application be Refused or Re-Scheduled?

Ash Bar Ltd's 'A4 Advertising notification posted in the Pub window has been difficult to get to these past 4 weeks because of all the building work for the Pub and the Gas Pipe Repairs. It should have been their responsibility to make sure it was accessible to the public and placed somewhere more accessible.

When Ash Bar Ltd signed the licensing agreement to you it was also their responsibly to *'have sent copies of this application and the plan to responsible authorities and others where applicable'*. For example Haringey Council's Building Control and The Planning Enforcement Department etc.

In view of Ash Bar Ltd's mistakes by not fulfilling the requirements of the 'Application for a premises licence to be granted under the Licensing Act 2003', the dead line of 23 July 2009 for public opinion should be extended till the school holidays have ended at the beginning of September 2009.

Before granting any type of Licence I hope any restrictions will be abided by, because so far Ash Bar Ltd's appears to have made mistakes, can they be trusted?

The Pub was originally Built in the neighbourhood to be a Hotel not a Noisy Music Bar encouraging people to drink all night, and expecting us Residents to have to put up with loud music all day and all night and the disruption of people coming and going.

I plea for the consideration of all the Residents who live in the streets around this Public House, both sides of the Hornsey Station railway track.

We are hard working, parents with or without children, the elderly, the ill, the tired, the young, the retired law abiding Tax payers, who try to make the best of our homes,

I've lived here for over 20 years, others have lived here for longer, some even since the war and some just one or two years but we all want the same to be able to carry on living in our homes, use our streets and go to work and come home with the right to know we can have some piece and quiet and a good nights sleep to look forward too.

'We thrive to make a better Haringey'.

HORNSEY & CROUCH END JOURNAL

Observations of owner may...

007 111111 1111 1111

THURSDAY, JULY 2, 2009

www.hornseyjournal.co.uk

To air your views

Letters on any subject are welcomed for publication and must arrive by 12 noon on Monday for consideration for the following Thursday's edition. Priority will be given to letters dealing with local issues. The Editor reserves the right to amend or shorten letters at his discretion.

ROW OVER PLAN FOR NIGHTSPOT

A FORMER pub is planning to re-open as a trendy nightspot, opening until 4.30am at weekends.

The former Wishing Well pub next to Hornsey railway station in Tottenham Lane, is being transformed into a hip bar-restaurant with a shisha smoking lounge and dancefloor.

Neighbours fear the new-look venue – to be rebranded Funky Brownz – will attract anti-social behaviour to the area.

But the new owners insist the bar will cater for an upmarket clientele and will only operate as a nightclub at weekends.

Bruno Dore, chairman of MORRSH, the residents' association for nearby roads between Rathcoole Avenue and Montague Road, said: "I don't think the residents or neighbours will be too keen.

"We know what kind of people a late-night bar will attract and we know what the flipside is – more late-night nuisance, drunkenness and associated crime.

"I don't want to stop people from having fun, but local residents have rights as well – and we can safely assume a 2am opening will not particularly cheer them."

The currently empty venue already has an alcohol, food and regulated entertainment licence

which allows it to stay open until 2am on Fridays and Saturdays and 11pm on weeknights.

Residents claim there has been trouble linked to the pub in the past when loud noise had kept neighbours awake at night.

Steve Gale, 58, who lives opposite the venue in Ribblesdale Road, said he often saw fights break out in his garden.

He added: "This new venture will definitely make things worse and is bound to attract a certain crowd. We used to see coaches arrive to drive in the out-of-towners and I wonder if a similar thing will happen here."

The club has one other branch in Colindale and it aims to

Column 3

We fear the worst say worried neighbours

provide simple, home-cooked continental food. The building was being redecorated this week and it is due to reopen on July 24.

The venue wants to open as late as 4.30am on Fridays and Saturdays, 2.30am on Thursday and 1.30am on all other days. This would allow customers to buy alcohol and dance until 4am at weekends.

A licensing application has been officially submitted to Haringey Council and residents have until Thursday, July 23, to respond.

Owner Raj Patel said he was applying for a licensing review and residents are being sent letters this week.

He added: "We are not only bringing something exciting to the borough, we're also bringing the right clientele to the area. We will have security so when people leave there will not be any noise and all the precautions we can put in place, will be.

"But if one per cent of people complain we still take that seriously. We have to sit down and make sure the right decisions are made."

*
y/c/

by DAISY COLLINS
daisy.collins@archant.co.uk

P. a, b, c, d,

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

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

The Premises Licence Holder is an existing Licensee for Funky Brownz premises in The Hyde in Hendon. These premises are intended to be operated in a similar fashion. The Directors of Ash Bar Limited are Personal Licence Holders.

b) The prevention of crime and disorder

A digital CCTV system will be installed to the requirements of the Crime Prevention Officer.
A minimum of three SIA registered door supervisors will be employed on Friday and Saturday nights
SIA registered door supervisors will only be employed on Thursday nights when pre-booked functions are taking place.
All staff are trained in licensing law and their social responsibilities as a retailer of alcoholic products.
There shall be no direct access for the public via the intercommunicating doors between the two bar areas.
All licensable activities will cease 30 minutes prior to the close of the premises to allow for a "cool down/drinking up" period.

c) Public safety

No new admission after 2 am.
No glasses or bottles to be taken outside in the smoking area.
Regular checks of the toilets are to be made and recorded with intervals being no greater than one hour.
A full fire and emergency lighting system will be installed in accordance with the Fire Officer's requirements.

d) The prevention of public nuisance

The premises will be fully air conditioned and sound proofed to prevent the escape of noise. External doors and windows will be kept closed when the premises are open to prevent the escape of noise.

Section P. e)

e) The protection of children from harm

The Premises Licence Holder has carried out a full risk assessment in relation to children and has established that there are no risks to children at the premises.
 Children under the age of 18 will only be allowed on the premises as long as they are accompanied by their parents or other adults as part of a "family" taking a table meal or they are attending a pre-booked function other than one where the nature of the function and entertainment is of an adult nature, and or, primarily involving the consumption of alcohol.
 All staff are trained in under age sales prevention.
 The Premises Licence Holder will operate the Challenge 21 system.
 Acceptable forms of ID are (but not limited to) valid passport, photocard driving licence, PASS approved proof of age card.

Please tick yes

- 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 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

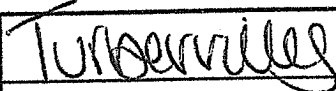
*our Ref:
 age 20
 section P
 point 3*

*point 7.
 paragraph 3*

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 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	25 th JUNE 2009
Capacity	SOLICITORS FOR THE APPLICANT

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)
MESSRS TURBERVILLES SOLICITORS (REF: sh)
HILL HOUSE
118 HIGH STREET

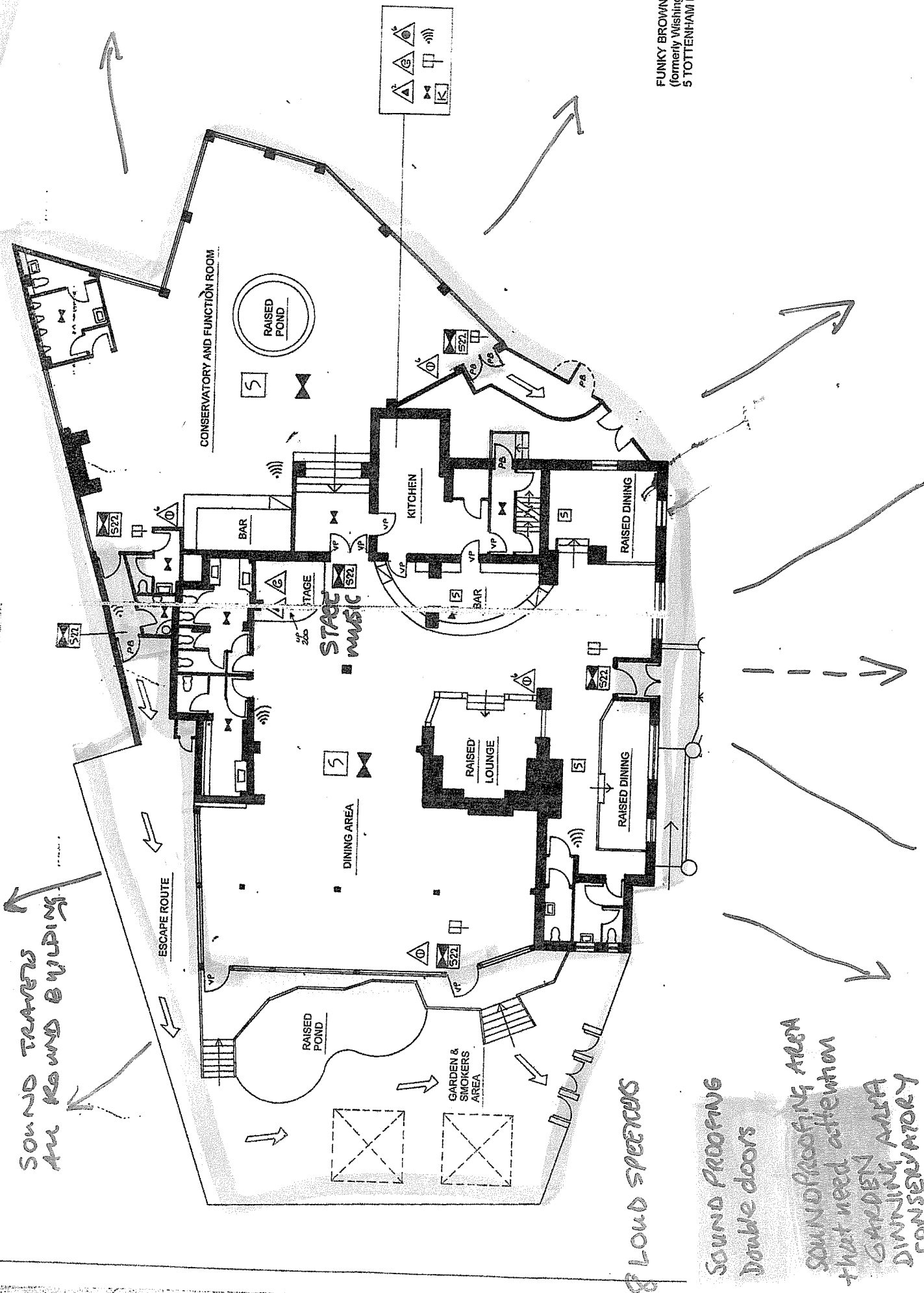
Post town	UXBRIDGE	Post code	UB8 1JT
Telephone number (if any)	01895 201746		
If you would prefer us to correspond with you by e-mail your e-mail address (optional)			

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, if you wish people to be able to purchase alcohol to consume away from the premises please tick off. 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, 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, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Not aimed

FUNKY BROWNS
(formerly Wishing We
5 TOTTENHAM LANE



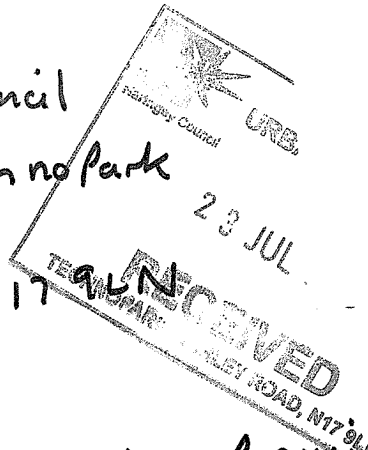
Private and conf.

Haringey Council

Lee Valley Techno Park

Ashley Road

Tottenham N17 9LN



23 July 2009

Objection to the New Premises
Extended Licence Application being granted
to extend its hours of operation

Address Funky Brownz No 5 Tottenham Lane N8 9DL

Dear Sir, madam,

Objection 1

- 1 The prevention of Crime & disorder
 - 1/ I object to the sale of drinks after 11.30 any night of the week including week ends
 - 2/ The late opening and sale of alcohol incurs crime related activity.
 - 3/ Damage to cars and property
 - 4/ Antisocial behavior, fights, Drink Driving
 - 5/ Stress to Residents frightened to go outside

Objection 2

2 The prevention of Public Nuisance

- 1/ No sleep for Residents all week
 - 2/ Noisy Music, heavy beat all day & night
 - 3/ Heavy movement of traffic
 - 4/ No parking spaces
 - 5/ Noisy Taxis, horns and running engines
 - 6/ Noisy garden pub activity all night.
 - 7/ Drunks fighting in street.
- 8/ The building is not sound proofed.

Yours Sincerely

and address

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-
|

Sent: 23 July 2009 11:15
To: Licensing
Subject: Funky Brownz, 5 Tottenham Lane, Hornsey, London N8 9DL

RE:NEW LICENSING APPLICATION OBJECTION.

Dear Sir/Madam,

I am strongly objecting to a new extended drinks and entertainment license for the above premises. The expected noise from guests when arriving and leaving does very much concern me, especially as closing times are proposed between 1.30 and 4.30 am! I am also worried about having the kind of clientele in the are that is attracted to a club that advertises adult entertainment. It is already difficult to park in the area and large numbers of guests arriving in cars would very much add to the problem.

Please do not grant this extended license which would be very disruptive to a quiet residential area.

Yours faithfully,

[learn more.](#)

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gelabs.com/email

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From

Sent: 23 July 2009 11:54

To: Licensing

Subject: Objection to Application for Premises License #AG930626 - Funky Brownz, 5 Tottenham Lane, Hornsey. N8 9DL

Attachments: Funky Brownz.doc; Funky Brownz.pdf

Dear Daliah and Team,

Please find attached a letter in representation of our objection and concerns with regards the Application for Premises License #AG930626 - Funky Brownz, 5 Tottenham Lane, Hornsey. N8 9DL.

Please can you confirm receipt by return of email.

I have attached it in 2 formats in case you can't read one or the other.

Kind regards,

Mail Security System.
elabs.com/email

Daliah Barrett-Williams

Lead Licensing Officer

Licensing Team

Enforcement

Urban Environment

Units 271-272

Lee Valley Technopark

Ashely Road

Tottenham

N17 9LN

Re: Application for a Premises License for Funky Brownz, 5 Tottenham Lane, N8 9DJ

Dear Daliah,

This letter is in representation of our concerns with the application mentioned above. Having obtained a copy of the licence application (AG930626), along with the floor plans for the venue, I have several concerns regarding the details contained within and the potential impact it could have on our, and our neighbours' quality of life and right to quiet enjoyment of our properties.

Generally there seem to be conflicting details as to the intended use of the new venue. I will detail my concerns:

The main intended use of the venue (page 4) is as a "restaurant and bar with music and dancing and occasional dance floor". In this case why do they state that a permanent DJ Station will be playing recorded music and background music. This, combined with a licence to sell alcohol till 4am (on Friday/Saturday) along with late night licenses within the week and admission till 2am, suggests otherwise. The description of the owner's similar venture in West Hendon clearly states it as a nightclub. This is also backed up by the relevant media articles in the Hornsey and Crouch End Journal on Thursday July 2nd.

Sections I, J, K detail that these sections are only "to allow for hire of premises for private customer functions". This implies that the use of the premises is only for private/pre-booked purposes. The provision of dancing is noted but the plan does not detail a specific dance floor (rather there is a dining area), and there is no mention of the use of these facilities by the public particularly on Friday and Saturday nights.

With regards to the admission till 2am policy, if this venue, for dancing etc, is solely for private events, why such a late admission? Also if the main purpose of the venue is as a restaurant and bar, then a 2am admission policy with a 4:30am close again seems rather late.

Having viewed the property and the plan along with the application, even though it is stated that the venue will be fully soundproofed, there is no evidence of this in the building or the plan. The expected volume levels of the music has not been stated within the application.

The outdoor smoking area will not be soundproofed. Knowing how the sound travels down Ribblesdale road from The Wishing Well pub it will be significantly audible. They do not state if speakers will be outside for the smoking area but it can be expected that voices will be raised and there has been no mention of discouragement of this in the application.

The application notices on the outside of the building are unsatisfactory. They do not clearly state the full uses of the venue and under what conditions, and the positioning of the notices is such that you cannot get reasonably close (scaffolding and works prevent this) in order to read them.

The application states a policy that no glass is to be taken outside into the smoking area, however it asks for the licence to sell alcohol on and off the property (this indicates that take-out could be provided). There is no mention that glass bottles are to be prohibited to be taken when leaving the venue. This raises concerns of glass on the street, the noise of smashing and the possible use of glass for vandalism and violence. We are very worried that our area will be used as a dumping ground and inevitably as a toilet. If take-out of alcohol is to be provided this does encourage the consumption of alcohol in the local area, thereby extending the amount of time before the patrons leave and the associated antisocial aspect of this. It can be reasonably expected that some violence will be caused by Funky Brownz, the associated damage and noise (from both patrons and emergency services) will serve to wake us up regularly.

There is no mention of the provision of parking, the parking in the local area is already at a premium and this would only serve to exacerbate the situation.

It concerns us that there is no mention of a policy to encourage patrons of the venue to leave quietly so as to not disturb the neighbours. I have my doubt as to the effectiveness of such requests, but it would be nice for this to be considered by the owner of the venue.

In summary, the application does not seem clear on the use of the venue, on its admission policy, on private versus public use and seems conflicting as to the main use of the venue (bar restaurant versus nightclub). Its vagueness as to what entertainment it will be providing highlighted by the use of "and similar" is concerning as is the no mention of an anti-drug policy. The extension of the license will gravely impact the local residents, decreasing the enjoyment of our properties and our ability to sleep.

We would like to see this application rejected and resubmitted on the grounds that it is not clear as to the intended use of the venue. The description of the provision of entertainments is confusing and indicates this application has potentially been submitted with another use in mind.

We would appreciate that our address be kept confidential and we would also welcome invitations to the committee meeting.

Kind regards,

Ok

Frc
Ser
To:
Sul

Objection

Fol
Fla

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From: -----
Sent: 22 July 2009 10:00
To: Licensing
Subject: New Premises Licensing Application Objection

To whom it may concern

Please may I raise a complaint for the Extended Licence Application for the following business address:

Funky Brownz, No. 5 Tottenham Lane, Hornsey, London N8 9DL

The basis of my complaint is for the Prevention of Public Nuisance.

I believe Funky Brownz is applying for an Extended Licence Application until 1am weekdays and 4am Friday and Saturday evenings.

I believe this will cause major sleep disruption and parking issues as the premises are within a residential neighbourhood and very close to where I live in Ribblesdale Road. The sound of loud dance music and cars/taxis stopping in proximity to the premises on a regular basis means there were be a significant rise in noise disruption to the immediate residential area.

I would also like to complain on the basis of the Prevention of Crime and Disorder. Many of the patrons leaving Funky Brownz late in the evening/early morning will be highly intoxicated. This will no doubt lead to fights, drunks, shouting, antisocial toilet behaviour, littering and police activity. All of these are a nuisance to the local caring community.

From previous experience, when the same premises was called the Wishing Well, there was significant noise disruption at the weekend until 2am when they were also granted a late licence. During this time my sleep was significantly disrupted by music and shouting until 2am in the morning at weekends.

Please can you confirm receipt of this email.

Yours sincerely

s Email Security System.
messagelabs.com/email

Haringey Council Licensing
Team

Lee Valley Technopark
Ashley Road

Tottenham

London N17 9LN

Dear Sirs,

I would request that my objection be treated with
confidentiality

New Premises Licensing Application
Objection

Re: Funky Browny, 5 Tottenham Lane Hornsey
London N8 9DL

Prevention of Public Nuisance

I wish to object in the strongest possible terms to
unbelievably late hours applied for: 1.30am, 2.30am
4.30am (on 2 nights) - even on a Sunday 1.30am. Add
to this 1 to 1½ hours to stop outside, say goodnight to
friends, chat in the street with banging of car doors
& shouting - all of which we have endured up to press
& it's going to be Hell on earth for the residents of
this quiet, pleasant area. We already suffered when
the license was extended for the Working Well, as the
venue was previously named, in spite of our objections.
Live music & disco & DJs will be very loud & carries far.
& outside smoking area with loud noise of conversation
over the music will certainly increase the noise causing
sleep disruption to residents who have to be up for work or
school. We shall also be unable to open windows in the
heat of summer due the awful noise. As for adult
entertainment - I can only insist that is totally in-
appropriate for this area & is likely, combined with late
drinking to attract all the undesirables for miles looking

for a place to extend their evenings.
 In the past we've had coachloads arrive late, be
 picked up even later at advanced hours + taxis,
 cabs, Police cars - often several at a time, even
 ambulances following fights. This going on will
 cause extreme disturbance throughout the night +
 increased risk of accident to residents coming
 home or setting off to work early or people en
 route to the BR Station, beside the venue, or tube.

Our roads are likely to be filled by patrons of
 this place looking for parking spaces. There will be
 no room for the sorting office (opp. the BR Station)
 workers to park for their early approx. 4 am start.
 (They work every night but Sat)
 We frequently have to pass the disgusting spectacle
 of great piles of vomited food - apparently due to
 too much drink - after these late nights! Surely a
 health hazard?

Public Safety

There is also the danger of intimidating behaviour
 from people who've been drinking + become
 aggressive - or worse from those emerging drunk
 from an atmosphere of "adult entertainment".
 There is the danger of sexual misconduct or assault -
 verbal or physical

We have in the past had one car lurch along
 the road on the wrong side damaging 3 or 4
 vehicles - knocking over a motor cycle putting it
 out of use outside this house + No 12 with the
 occupants sitting in the street in a state of shock
 + they were just arriving - being already drunk.
 All the residents were out in pyjamas / dressing gowns
 etc having been woken from sleep.

Preventing a game of disorder
 in the past coming home I have had to witness +
 cross to the opposite side of Tottenham Lane to
 avoid a whole gang of people - men + women -
 from the pub in pursuit of one man whom they

brought to the ground & kicked, screaming & shouting angrily. The Police came obviously once alerted. On another occasion a girl was attacked by a man outside this house - she screaming in terror. They were on their way to the Pub.

Neighbours opposite tell me my garden is often used as a urinal without my being aware of it - & I've seen some over their gardens.

On one occasion, returning home after dark I found 2 men using my wall & garden as a urinal. A close friend/neighbor up the road was very alarmed at the potential danger this put me in. Prevention of Harm to Children

On another specific occasion from my windows I witnessed 2 men pass opposite then go & urinate through the bars of the back gate of the YMCA Club ^{used by children of classes spent.} before going on into the Pub. This was absolutely disgusting, lewd behaviour & they could easily have used the Pub toilets. This was in broad daylight when any child could have been passing or looking out. There are several fronts & neighbours - families with young or growing children on the street - they should not be subjected to this; neither should the adults. Housing Trust have a house opposite for older residents.

As for adult entertainment in a quiet residential area with decent people & families with children it is absolutely the wrong place.

Finally the houses & walls here are Victorian beautiful. This road was recently described by English Heritage as "a gracious & beautiful road". Our wall has been damaged by drunken driving as

have the walls of neighbours, I can only think drinking to such late hours is going to increase the risk of drink driving which will affect people near a few & increase the use of Police vehicles as they try to cope with the unnecessary hazard which could be avoided. The existing license is already bad enough. This area is not suitable for a "night spot" & we pay our Council Tax on the dot & support our Borough in any way we can. For all the above reasons I do beg you to consider our rights & refuse this application
Yours faithfully

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