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## Licensing Sub-Committee C

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TUESDAY, 24TH JANUARY, 2006 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Patel (Chair), E Prescott and Floyd

### **AGENDA**

**1. APOLOGIES FOR ABSENCE**

**2. URGENT BUSINESS**

The Chair will consider the admission of any late items of urgent business. (Late items will be considered under the agenda item where they appear. New items will be dealt with at item 9 below).

**3. DECLARATIONS OF INTEREST**

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

A members with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the member's judgement of the public interest.

**4. MINUTES (PAGES 1 - 4)**

To approve the minutes of the previous meetings of the Licensing Sub-Committee C held on 8 December 2005 (attached).

**5. MIZGIN RESTAURANT, 485 GREEN LANES, N4 (HARRINGAY WARD) (PAGES 5 - 18)**

To consider an application for a NEW Premises Licence.

**6. ALI BABA, 645 GREEN LANES, N4 (HARRINGAY WARD) (PAGES 19 - 32)**

To consider an application for a NEW Premises Licence.

**7. LOMNAVA RESTAURANT, 487A SEVEN SISTERS ROAD, N15 (SEVEN SISTERS WARD) (PAGES 33 - 38)**

To consider an application for a NEW Premises Licence.

**8. BINGOL, 551 GREEN LANES, N8 (ST ANN'S WARD) (PAGES 39 - 42)**

To consider an application for a Late Night Premises Licence.

**9. ITEMS OF URGENT BUSINESS**

To consider any new items admitted under item 2 above.

**YUNIEA SEMAMBO**  
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**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
8 December 2005**

Councillors \*Patel (Chair), \*Floyd and \*E Prescott

\* denotes members present

**LSC16 APOLOGIES FOR ABSENCE** (Agenda Item 1)

None received

**LSC17 URGENT BUSINESS** (Agenda Item 2)

That Agenda Item 8 (ROJ) was withdrawn from the proceedings

**LSC18 DECLARATIONS OF INTEREST** (Agenda Item 3)

None received

**LSC19 DEPUTATIONS/PETITIONS** (Agenda Item 4)

None received

**LSC20 MINUTES OF LICENSING SUB-COMMITTEE C OF 4 OCTOBER 2005**  
(Agenda Item 5)

The minutes of the meeting of Licensing Sub-Committee C of 4<sup>th</sup> and 18<sup>th</sup> October 2005 were agreed and signed by the Chair.

**LSC21 TO CONSIDER AN APPLICATION FOR A NEW PREMISES LICENCE:  
Istanbul Restaurant, 441 Green Lanes N4** (Agenda Item 6)

The Licensing Officer, Daliah Barrett presented the Report for the New Premises License to the Committee highlighting the current status of the premises to Members. Ms Barrett informed the Committee that there had been two representations made by interested parties. There had also been comments from the Enforcement Services who had stated that the premises were currently under enforcement action, due to the premises being found open and trading in the early hours of the morning without a licence. This matter had been adjourned as the ownership/management of the premises could not be determined. Enforcement Services had requested that if Members were minded to grant the License that a recognised person/designated premises supervisor be named on the licence as a condition. This would facilitate the Council and other authorities who may need to take enforcement action with a named individual who will be held accountable.

Ms Barrett also informed the Committee to the fact that the Noise Team had received a number of complaints over the years but did not object to the application. She also informed the Committee that the Planning Officer had made a representation to the application on the grounds that the hours the

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
8 December 2005**

hours granted by the Planning Service to the premises restricted the operation of the premises after 2am on any day.

The Chair invited the applicant to address the Committee. Mr George Adonis was representing the applicant and confirmed that the applicant wanted to amend the application so that the hours of operation were as follows:

- Monday through to Sunday – 10am until 2am
- That no sale of alcohol license was being applied for

At this point in proceedings, Councillor Gina Adamou spoke on behalf of the Ladder Community Safety Partnership Board (LCSPB) to confirm that given that the application had been amended, there was no objection to the application.

The Committee considered the evidence provided by the Noise Team and established that the last enforcement action by the Team took place in 2003 and that the Team was satisfied with the current situation. Mr Adonis informed the Committee that the applicant would, if granted the Licence, adhere fully with the terms listed in the operating schedule in order to promote the four licensing objectives. Ms Barrett sought confirmation that no regulated entertainment was being applied for. Mr Adonis confirmed that this was the case and that no regulated entertainment and alcohol licenses were being applied for at the present time.

Also speaking on behalf of the LCSPB, Mr Ian Sygrave stated that he was happy with the amended application but concerns remained in respect of compliance issues over opening hours, and with a pending prosecution over planning permission for an illuminated sign to the front of the premises. The applicant responded to this last point by stating that planning permission had been sought but had subsequently been refused, and that he was happy to remove the sign.

The applicant was asked why there had been instances where the premises had been found to be open beyond its permitted hours. The response was that the applicant lived above the premises but had allowed family and friends to eat in private. The applicant also stated that if granted a new premises licence he would be bound to the hours permitted/ he also stated that CCTV had been installed on the premises since the end of 2003 and that his brother would become a designated premises supervisor (DPS) in the absence of the licensee. The applicant later stated that he would be willing to display opening hours within the premises.

In summation, Ms Barrett informed the Committee that during personal visits to the premises, evidence had been gathered to suggest operations beyond permitted hours at the premises. She also stated that if the Committee were minded to grant the application for new premises licence, there should be provisions for a named DPS and a firm understanding of hours permitted.

**RESOLVED**

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
8 December 2005**

The Committee decided to grant in full the amended application for a new premises license to provide late night refreshments only (Mondays to Sundays 10am through to 2am) and subject to the following conditions:

- (i) Conditions to enforce the provisions of the operating schedule.
- (ii) That a list of at least two named designated people, one of whom will be available at the premises at all times that licensable activities are being carried on be provided to the Licensing Authority. This list is to be provided to the Licensing Authority by 15 December 2005 and any subsequent variations to that list are to be notified to that Authority a minimum of seven days prior to the said change taking effect.
- (iii) All external display signs to be switched off at 2am every night. The reason being to promote the Public Nuisance licensing objective.
- (iv) The opening hours of the premises to be prominently displayed at the entrance to the premises.

There were four informatives as follows:

- (i) As the applicant had withdrawn the application for the sale and/or supply of alcohol, the licence granted would not permit the sale and/or supply of alcohol at any time
- (ii) It was open to the responsible authorities and/or interest parties to apply for a review of the licence granted at any time
- (iii) Enforcement services would monitor the premises to ensure that they were not being operated in breach of the licence granted
- (iv) The licence granted would not constitute consent under any other regime. It would be necessary for the licensee to obtain any other consents that may be necessary for the lawful operation of the premises.

**LSC22 TO CONSIDER AN APPLICATION FOR A CLUB PREMISES CERTIFICATE: Our Lady of Muswell Hill Tennis Club, adj 51 Rhodes Avenue N22 (Agenda Item 7)**

The Licensing Officer, Daliah Barrett presented the Report for the New Premises License to the Committee highlighting that an earlier representation in respect of the application made by the Fire Officer had subsequently been withdrawn. Ms Barrett informed the Committee that there had been two representations from interested parties, but that neither was present at the hearing. Ms Barrett confirmed that the applicants had provided full details of the club rules.

The Chair invited the applicants to address the Committee. Ms Brenda Stewart and Mr Richard Betts, applicants, began by stating that the actual hours applied for in respect of the sale of alcohol was as follows:

- Monday through to Friday – 17:00 to 23:00
- Saturday and Sunday – 12:00noon to 15:00, and 17:00 to 23:00

**MINUTES OF THE LICENSING SUB-COMMITTEE C (2003 LICENSING ACT)  
8 December 2005**

They verified that the hours for opening to the public were as follows:

- Monday through to Sunday – 08:00 to 23:30

It was noted that information on these times for licensable activities mis-printed in the Report to the Committee.

Ms Stewart and Mr Betts informed the Committee that the premises had been operating in the Muswell hill area for 60 years and that the sale of alcohol was a very small part of the operation because the premises had earned a reputation as one of the best tennis clubs in North London. The Committee established that the main hall within the premises was used only occasionally for the playing of table tennis and pool by members of the club and their invited guests.

**RESOLVED**

The Committee decided to grant the application in full and subject to the following condition:

- (i) Conditions to enforce the provisions of the operating schedule.

There was an informative as follows:

- (i) That Q3 of the applicant’s declaration for a club premises certificate is amended to read as follows: *“the Club’s arrangements for restricting the Club’s freedom of purchase of alcohol are (a) the club provides that only a member of the Bar Committee may purchase alcohol; and (b) purchases are limited to £100 at any one time and are only made at local retail outlets”*. The applicant agreed to amend the club rules to incorporate this provision.

**LSC23 ITEMS OF URGENT BUSINESS (Agenda Item 9)**

None to consider

*The Meeting finished at 9:45pm*

.....  
**Councillor JAYANTI PATEL**  
 Chair of Licensing Sub-Committee C

Date.....

**Licensing Act 2003 Sub-Committee on 24<sup>th</sup> JANUARY 2006**

<b>Report title: Application for a New Premises Licence MIZGIN RESTAURANT, 485 GREEN LANES N4</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected Harringay</b>	
<b>1. Purpose</b>  To consider an application by NIZAMETTIN KOVAYCIN to provide a licensable activity in the form of Late Night Refreshment.	
<b>2. Recommendations</b>  <b>2.1 (a) Grant the application as asked</b> <b>(b) Modify the conditions of the licence, by altering or omitting or adding to them</b> <b>(c) Reject the whole or part of the application</b>  The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.	
<b>Report authorised by: Robin Payne.....</b> <div style="text-align: right;"><b>Assistant Director Enforcement Services</b></div>	
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>  For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence	
<b>4. Access to information:</b>  Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: <b>File: MIZGIN, GREEN LANES</b>  The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22	

## 5. REPORT

### Background

5.1 Application by **NIZAMETTIN KOVAYCIN**, for a New Premises Licence in respect of **485 GREEN LANES N4** under the Licensing Act 2003.

### 5.2 Details of new Premises Licence application

#### Opening Hours for Public

Monday to Sunday 08.00 - 02.00

#### Provision of Late Night Refreshment

Monday to Sunday 23.00 - 02.00

#### CURRENT POSITION

The premises have been the centre of enforcement action. The applicant Mr Kovaycin has kept the premises open constantly on a 24 hour basis. The matter was taken to court and cost were awarded to the Council in the amount of £3000 for operating without a license. The premises continues to operate on a 24hour basis.

#### OPERATING SCHEDULE

CCTV and surveillance  
Provision of fire fighting equipment  
Provision of public notices  
Adults to accompany children.

### 5.2 Crime and Disorder

Provision of CCTV and Surveillance monitor

### 5.4 Public Safety

Provision of fire fighting equipment.  
Limiting the number of people permitted on the premises to 60 (inc.staff)  
Rear fire doors to be kept locked open during opening hours.

### 5.5 Public Nuisance

Provision of public notices on walls

### 5.6 Child Protection

To allow only children accompanied by adults parents or guardians.



## **6. RELEVANT REPRESENTATIONS (CONSULTATION)**

### **Responsible authorities:**

#### **6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

#### **6.2 Comments of Enforcement Services:**

Noise team has commented on this application and advised that this premise was served with a noise abatement notice for noise emanating from the extractor fan. The noise abatement notice required that the extractor only be operated within the hours permitted by the planning permission and that works to reduce the noise levels of the system be carried out. The noise was witnessed again by the noise team and prosecution undertaken. The court awarded costs to the Council and Mr Kovaycin was fined £200. The works required have since been carried out satisfactorily. **App 2**

The Heavy Enforcement Team has witnessed the premises open and trading in the early hours of the morning and the matter has been referred to legal, a summons will be served in January 2006.

#### **Food Team**

Have no objections to this application

#### **Health and Safety**

Have no objections to this application

#### **Trading Standards**

Have no objections to this application

#### **6.3 Fire Officer**

The Fire Officer has made a representation against this application. This has now been withdrawn.

#### **6.4 Planning Officer – App 3**

Planning object to this application as the permitted use shall not be operated between 0700 or after midnight on Monday to Saturday and not at all on Sundays or Bank Holidays.

#### **6.5. Comments of Child Protection Agency or Nominee**

No comments to make on this application.

**7.0 Interested Parties**

3 letters of representation have been received against this application.-**App 4**

**8.0 Financial Comments**

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

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

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

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises , and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable

activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

## **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

## **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

## **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

## **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **GUIDANCE FROM THE SECRETARY OF STATE**

The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters 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...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

"7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

"3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."

"6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."

"6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed,

employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are “necessary” for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary.”\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State's Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

### **Interpretation of "Vicinity":**

The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons."

However, the Act does not define the term "vicinity" and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph



5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises.

### **Operating Schedules: Conditions**

In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to “the prevention of crime and disorder” this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson’s National Certificate, the Professional Barperson’s Qualification etc., incorporating a search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government’s National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

The operating schedule can also require licensees to deal with litter”. Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste, bottle etc., are disposed of properly.

In relation to “the protection of children” this may, *for example*, be achieved by ensuring children are not admitted to premises on days when adult entertainment is provided, that “proof of age” cards complying with the Home Office approved Proof of Age Standards Scheme (PASS), such as those promoted by the Portman Group, are required for the supply of alcohol, and that children are not admitted, or allowed to remain on, premises after a certain time.

**Maximum capacities:**

The type of entertainment offered in licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

- (1) *the prevention of crime and disorder*
- (2) *public safety*
- (3) *the prevention of public nuisance*

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes "live" and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

Where no Fire Safety Certificate is in existence for premises wishing to supply alcohol to customers after 11pm and/or where regulated entertainment is provided, the Council, in partnership with the London Fire and Emergency Planning Authority, will seek to attach a capacity condition to the premises licence.

Under these circumstances the capacity limits will be set primarily on the basis of how many people can leave the premises safely and quickly in an emergency. However, as stated in paragraph 10.3, a lower capacity limit may be set where this may be beneficial in preventing crime and disorder and public nuisance issues.

**Responsible Authorities:**

Section 13(4) of the Act lists a number of "Responsible Authorities" who may make comments regarding Premises Licence applications and who may apply for an existing licence to be reviewed. One of those "Responsible Authorities" is defined in the Act as:

"a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and

- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters.”

Paragraph 3.41 of the Secretary of State’s Guidance states that:

“A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committees involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department.”

## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.

**Licensing Act 2003 Sub-Committee on 24<sup>th</sup> JANUARY 2006**

<b>Report title: Application for a New Premises Licence at ALI BABA 645 GREEN LANES N4</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected HARRINGAY</b>	
<b>1. Purpose</b>	
	To consider an application by ORHAN KATI to provide a licensable activity in the form of Late Night Refreshment.
<b>2. Recommendations</b>	
<b>2.1</b>	<ul style="list-style-type: none"> <li>(a) Grant the application as asked</li> <li>(b) Modify the conditions of the licence, by altering or omitting or adding to them</li> <li>(c) Reject the whole or part of the application</li> </ul>
	The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.
<b>Report authorised by: Robin Payne.....</b>	
	<b>Assistant Director Enforcement Services</b>
<b>Contact Officer: Ms Daliah Barrett</b>	<b>Telephone: 020 8489 5103</b>
<b>3. Executive summary</b>	
	For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence
<b>4. Access to information:</b>	
	Local Government (Access to Information) Act 1985 Background Papers The following Background Papers are used in the preparation of this Report: <b>File: ALI BABA, GREEN LANES</b>
	The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

## 5. REPORT

### Background

**5.1** Application by **ORHAN KATI**, for a New Premises Licence in respect of **645 GREEN LANES N4** under the Licensing Act 2003.

### **5.2 Details of new Premises Licence application**

#### **Opening Hours for Public**

Monday to Sunday 08.00 - 02.00

#### **Provision of Late Night Refreshment**

Monday to Sunday 23.00 - 02.00

#### **CURRENT POSITION**

The premises has been the centre of enforcement action. The previous owner pleaded guilty to operating with a license and was fined £2500. The premises still operates without a licence past 2300 hours.

#### **OPERATING SCHEDULE**

Provision of fire fighting equipment  
Provision of public notices  
Adults to accompany children.

### **5.2 Crime and Disorder**

### **5.4 Public Safety**

Provision of fire fighting equipment.  
Limiting the number of people permitted on the premises to 34

### **5.5 Public Nuisance**

Provision of public notices on walls

### **5.6 Child Protection**

To allow only children accompanied by adults parents or guardians.

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

**6.2 Comments of Enforcement Services:**

Have no objections to this application.

**Food Team**

Have no objections to this application

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

The Fire Officer has made a representation against this application. **App 2**

**6.4 Planning Officer –**

Planning have no objection to this application.

**6.5. Comments of Child Protection Agency or Nominee**

No comments to make on this application.

**7.0 Interested Parties**

1 letter of representation has been received against this application.-**App 3**

**8.0 Financial Comments**

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

## **PART A.**

### **9.0 LOCAL POLICY CONSIDERATIONS**

It is considered that the following policies have a bearing upon the application:

The Licensing Act 2003 requires the Council to carry out its various licensing functions so as to promote the following four licensing objectives:

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

The Licensing Act 2003 further requires the Council to publish a Statement of Licensing Policy that sets out the policies the Council will generally apply to



promote the licensing objectives when making decisions on applications made under the Act.

8.1 The London Borough of Haringey has made a number of policy decisions within this paper. The policies that are relevant to this application can be summarised as follows:

#### Licensing Objectives – Statement of Licensing Policy

"2.4 The Council acknowledges that the licensing function cannot be used for the general control of anti-social behaviour by individuals once they are beyond the direct control of the licensee of any premises concerned. The new licensing controls do however play a key role in preventing crime and disorder in and around licensed premises, and they support this objective on the streets generally. Apart from the licensing function, there are a number of other measures available for addressing issues of unruly behaviour that can occur away from licensed premises; these include....."

"7.13 Under the Crime and Disorder Act 1998 local authorities must have regard to the likely effects of exercising their functions, and do all they can to prevent crime and disorder in their area. "

"7.14 The Council will have special regard to the local impact of licensing on related crime and disorder in the borough particularly when considering the location, impact, operation and management of all proposed licences/certificates, applications, renewals and variations of conditions. "

### **8.0 Planning**

"8.2 All premises that apply for a licence must have planning permission for the intended use and hours of operation or be deemed "lawful" for the purposes of planning control. The Licensing Authority will not consider a new application or variation of conditions if permitted licensable activities on the premises would constitute an unlawful planning use or if the hours of operation sought exceed those authorised by the planning permission."

### **9.0 Regulatory Services**

"9.1 Building regulations govern a variety of issues, which will directly contribute to the licensing objectives, including the means of escape, structural integrity, accessibility and public safety. Applicants are reminded that Building Regulation approval and completion certificates are required for works under the Building Regulations to avoid contravention of those regulations."

### **13.0 The Prevention of Public Nuisance**

"13.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential

for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix."

## **18.0 Licensing Hours**

"18.3 The Council will deal with the issue of licensing hours on the individual merits of each application. When issuing a licence, stricter conditions with regard to noise control and/or limitations to opening hours may be imposed in the case of premises where relevant representations are made and that are situated in largely residential areas. Operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance."

## **24.0 Conditions**

"24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives..."

"24.2 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned..."

## **PART B**

### **GUIDANCE FROM THE SECRETARY OF STATE**

The Secretary of State has issued Guidance on the implementation of the Licensing Act 2003, which the Council must take into account in considering applications.

National guidance regarding control of areas outside the premises is as follows:

"3.11 Statements of policies should make clear that licensing is about regulating the carrying on of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the 2003 Act, and that the conditions attached to various authorisations will be focused on matters which are within the control of individual licensees and others in possession of relevant authorisations. Accordingly, these matters will centre on the premises being used for licensable activities and the vicinity of those premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises is a question of fact and will depend on the particular

circumstances of the case. In cases of dispute, the question will ultimately be decided by the courts. But statements of licensing policy should make it clear that in addressing this matter, the licensing authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of public living, working or engaged in normal activity in the area concerned. A statement of policy should also make clear that licensing law is not the primary mechanism for the general control of nuisance and antisocial behaviour by individuals once they are away from the licensed premises and, therefore, beyond the direct control of the individual, club or business holding the licence, certificate or authorisation concerned. Nonetheless, it is a key aspect of such control and licensing law will always be part of a holistic approach to the management of the evening and night-time economy in town and city centres."

"7.45 In the context of preventing public nuisance, it is again essential that conditions are focussed on matters 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...cannot be justified and will not serve to promote the licensing objectives in relation to the licensing activities carried on at the premises....Beyond the vicinity of the premises, these are matters for personal responsibility of individuals under the law.

National guidance regarding public nuisance is as follows:

"7.39 The 2003 Act requires licensing authorities following receipt of relevant representations...to make judgements about what constitutes public nuisance and what is necessary, in terms of conditions attached to specific premises licenses and club premises certificates to prevent it. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable."

National guidance regarding licensing hours is as follows:

"3.29 With regard to licensing hours, the statement of policy should generally emphasise the consideration which will be given to the individual merits of an application. The Government strongly recommends that statements of policy should recognise that longer licensing hours with regard to the sale of alcohol are important to ensure that the

concentrations of customers leaving premises simultaneously are avoided. This is necessary to reduce the friction at late night fast food outlets, taxi ranks and other sources of transport which lead to disorder and disturbance. The Government also wants to ensure that licensing hours should not inhibit the development of thriving and safe evening and night-time local economies which are important for investment and employment locally and attractive to domestic and international tourists without compromising the ability to resource local services associated with the night-time economy. Providing consumers with greater choice and flexibility is an important consideration."

- "6.5 The Government strongly believes that fixed and artificially early closing times promote...rapid binge drinking close to closing times; and are a key cause of disorder and disturbance when large numbers of customers are required to leave premises simultaneously....It is therefore important that licensing authorities recognise these problems when addressing issues such as the hours at which premises should be used to carry on the provision of licensable activities to the public."
- "6.6 The aim of the promotion of the licensing objectives should be to reduce the potential for concentrations and achieve a slower dispersal of people from licensed premises through longer opening times. Arbitrary restrictions that would undermine the principle of flexibility should be avoided."

National guidance regarding non-duplication of other regimes is as follows:

- 3.53 "Statements of licensing policy should include a firm commitment to avoid duplication with other regulatory regimes so far as possible. *For example*, legislation governing health and safety at work and fire safety will place a range of general duties on the self-employed, employers and operators of venues both in respect of employees and of the general public when on the premises in question. Similarly, many aspects of fire safety will be covered by existing and future legislation. Conditions in respect of public safety should only be attached to premises licences and club premises certificates that are "necessary" for the promotion of that licensing objective and if already provided for in other legislation, they cannot be considered necessary in the context of licensing law. Such regulations will not however always cover the unique circumstances that arise in connection with licensable activities, particularly regulated entertainment, at specific premises and tailored conditions may be necessary."\*

## **PART C**

### **COMMENTS ON LOCAL AND NATIONAL POLICY**

#### **Hours of Operation and Public Nuisance:**

Chapter 6 of the Secretary of State's Guidance recommends that Local Authorities do not set up a series of zones in their areas within which closing hours are reduced. No such zones have been set up within the Borough of Haringey. The Guidance also states that 'staggering' closing times for premises in an area would only serve to replace current peaks of disorder after 11pm with a series of smaller peaks.

The London Borough of Haringey acknowledges that the Government's Guidance attached to the Licensing Act 2003 states that it believes that fixed and artificially-early closing times are a key cause of disorder and disturbance, when large numbers of customers are required to leave premises simultaneously. The Guidance goes on to state that this puts pressure on fast food outlets and transport facilities which, in turn, produces friction and gives rise to disorder and peaks of noise and other nuisance. It advises that licensing authorities should recognise these problems when addressing issues such as hours of operation and should aim to reduce the concentrations and achieve a slower dispersal of people from licensed premises through longer opening times.

However, the Guidance is aimed nationally and there will be some areas in some towns and cities where parts of it may not apply. There may be situations in which the imposition of conditions on premises licences would not in itself, resolve the issue of disturbance to residents from late night premises. Conditions may include trying to ensure that customers leave quietly but licensees will have little or no control of their customers once they leave the close vicinity of the premises. The area is extremely densely populated with residential dwellings above and next to most licensed premises. Generally throughout the borough, ambient noise levels fall significantly between 11pm and midnight and noise from even well behaved customers leaving licensed premises after midnight does disturb residents.

Actions that during the day would have little adverse environmental effect, such as car doors shutting and conversations, can have the opposite effect after midnight, disturbing local residents and breaking their sleep.

The Council has a duty under Article 8 of the European Convention on Human Rights to protect the rights of its residents to privacy and family life. The Council also acknowledges the rights of businesses in its area to operate, but this must be balanced against the rights of residents not to be disturbed by unreasonable noise and nuisance caused by licensed premises.

Each application will be considered on its own merits.

### **Interpretation of "Vicinity":**

The term "vicinity" is used within the Licensing Act 2003 on a number of occasions and, in particular, with reference to those "interested parties" who may lodge objections to applications for premises licences and who may make representations concerning existing premises licences. Section 13(3) defines an "interested party" as being "a person living in the vicinity, a body representing persons living in the vicinity, a person involved in a business in the vicinity or a body representing those persons."

However, the Act does not define the term "vicinity" and debate in both the House of Lords and the House of Commons similarly failed to produce a definition. Paragraph 5.33 of the Guidance states that the licensing authority should consider whether the individual's residence or business is likely to be directly affected by disorder or disturbance occurring or potentially occurring on those premises or immediately outside the premises.

### **Operating Schedules: Conditions**

In all applications relating to premises licences the London Borough of Haringey expects applicants to specify methods by which they will promote the four licensing objectives in their operating schedules.

In relation to "the prevention of crime and disorder" this may, *for example*, be promoted by employing registered door supervisors, ensuring staff have attained relevant BIIAB qualifications, i.e. the Drugs Awareness Certificate, the Barperson's National Certificate, the Professional Barperson's Qualification etc., incorporating a

search policy into the entry conditions of the premises, restrictions on the irresponsible use of “happy hours” and other drinks promotions.

In relation to “public safety” this may, *for example*, be promoted by ensuring that staff have the appropriate training, ensuring that safe capacity limits are set and that there is no overcrowding, that fire-fighting equipment is checked regularly, and that certificates required by the Council are available by the relevant date.

In relation to “the prevention of public nuisance” the London Borough of Haringey will take particular care to ensure that residents are not disturbed late at night. However, before refusing a licence on these grounds the Council will consider whether such disturbance may be avoided by the application of conditions.

In the case of every premises licence application Council will consider whether the sound from music and/or customers may escape from the premises, noise from ventilation and other mechanical plant is minimal, steps are taken to ensure patrons and staff leave the premises quietly (including the prominent display of notices to this effect), arrangements are made for patrons to park their cars in a manner that does not disturb or inconvenience local residents and arrangements are made to minimise noise from taxis. Conditions may be imposed to satisfy these considerations. The Council will also consider whether applicants have made sufficient arrangements to ensure that any waste, bottles etc, from the premises do not cause any detrimental environmental effect in the vicinity. Page 63 of the Government’s National Alcohol Harm Reduction Strategy states that: “Under the Licensing Act 2003, the premises

The operating schedule can also require licensees to deal with litter”. Where relevant, the Licensing Committee may place conditions on a Premises Licence to ensure waste, bottle etc., are disposed of properly.

In relation to “the protection of children” this may, *for example*, be achieved by ensuring children are not admitted to premises on days when adult entertainment is provided, that “proof of age” cards complying with the Home Office approved Proof of Age Standards Scheme (PASS), such as those promoted by the Portman Group, are required for the supply of alcohol, and that children are not admitted, or allowed to remain on, premises after a certain time.

### **Maximum capacities:**

The type of entertainment offered in licensed premises and the closing hour of premises permitted to provide alcohol to the public often have a direct link to crime and disorder, public nuisance and public safety. *For example*, there is generally more likelihood of crime and disorder and public safety problems occurring in a music and dance venue permitted to sell alcohol and open until 3am than there is in a quiet back street pub that provides no regular regulated entertainment and closes at 11pm.

The Council accepts that a lot of the problems that may occur in late night licensed premises may be controlled by good management practices.

However, controlling the numbers of customers allowed into the premises will also assist in promoting the following three licensing objectives:

- (1) *the prevention of crime and disorder*
- (2) *public safety*
- (3) *the prevention of public nuisance*

Where a fire safety certificate for premises includes a capacity condition the Council will not normally set a capacity by way of a licence condition. However, if the fire certificate was granted for premises when their future use was not known, the Council will consider setting a new capacity condition having regard to the licensable activity proposed. The Council will also consider setting a capacity condition where this may be beneficial in preventing crime and is order or nuisance. Such a capacity may be lower than that set by the fire safety certificate. This section of the Police Statement will be reviewed when the Regulatory Reform (Fire Safety) Order 2004 becomes "live" and replaces the *Fire Precautions Act 1971 and the Fire Precautions (Workplace) Regulations 1997*.

Where no Fire Safety Certificate is in existence for premises wishing to supply alcohol to customers after 11pm and/or where regulated entertainment is provided, the Council, in partnership with the London Fire and Emergency Planning Authority, will seek to attach a capacity condition to the premises licence.

Under these circumstances the capacity limits will be set primarily on the basis of how many people can leave the premises safely and quickly in an emergency. However, as stated in paragraph 10.3, a lower capacity limit may be set where this may be beneficial in preventing crime and disorder and public nuisance issues.

**Responsible Authorities:**

Section 13(4) of the Act lists a number of "Responsible Authorities" who may make comments regarding Premises Licence applications and who may apply for an existing licence to be reviewed. One of those "Responsible Authorities" is defined in the Act as:

"a body which:

- (i) represents those who, in relation to any such area, are responsible for, or interested in, matters relating to the protection of children from harm, and
- (ii) is recognised by the licensing authority for that area for the purposes of this section as being competent to advise it on such matters."

Paragraph 3.41 of the Secretary of State's Guidance states that:

"A statement of licensing policy should therefore indicate which body the licensing authority judges to be competent in this area and therefore to which applications will need to be copied. In most cases, this may be the Area Child Protection Committee. However, in some areas, the Committees involvement may not be practical and the licensing authority should consider alternatives. For example, the local authority social services department."



## **PART D**

### **ADDITIONAL OBSERVATIONS**

The Committee is obliged to determine this application with a view to promoting the licensing objectives, which are:

- The prevention of crime and disorder;
- Public safety;
- The prevention of public nuisance;
- The protection of children from harm.

In making its decision, the Committee is also obliged to have regard to national Guidance and the Council's own Licensing Policy.

Of course, the Committee must also have regard to all of the representations made and the evidence it hears.

The Committee must take such of the following steps as it considers necessary for the promotion of the licensing objectives:

- (a) Grant the application as asked
- (b) Modify the conditions of the licence, by altering or omitting or adding to them.
- (c) Reject the whole or part of the application.

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must actually be necessary in order to promote the licensing objectives.

As to the objections raised:

*Terminal hours:* The premises are close to a residential area. The Committee should take account of national guidance and the Council policy on terminal hours and take such steps as it considers are necessary to promote the licensing objectives. The Committee must consider whether there is any evidence that the alleged nuisance in the vicinity is connected with the premises in question. The Committee must also be aware that it is only the extension in hours from the current hours to the later times proposed that is at issue. Members must consider whether there is evidence that any nuisance arising from granting the licence will be increased by later opening hours.

*Parking provision:* This matter is relevant only to the extent that the use of the residential roads for parking could give rise to public nuisance. It is likely that noise from customers with cars will add materially to the general background noise in this area.

*Noise from premises.* The Committee should consider what, if any, conditions are necessary to prevent public nuisance from noise from the premises.

*Planning:* The Committee is directed to national guidance on the issue of planning. It is considered that planning should be in place before the licence application is determined.

**Licensing Act 2003 Sub-Committee on 24<sup>th</sup> JANUARY 2006**

**Report title: Application for a New Premises Licence LOMNAVA RESTAURANT, 487A SEVENS SISTERS ROAD, LONDON, N15 6EP**

**Report of: The Lead Officer Licensing**

**Ward(s) affected Seven Sisters**

**1. Purpose**

To consider an application by **STEPHEN ACHEAMOPONG** to provide a licensable activity in the form of Sale of Alcohol and Late Night Refreshment

**2. Recommendations**

- 2.1**
- (a) Grant the application as asked
  - (b) Modify the conditions of the licence, by altering or omitting or adding to them
  - (c) Reject the whole or part of the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

**Report authorised by: Robin Payne.....**  
**Assistant Director Enforcement Services**

**Contact Officer: Ms Daliah Barrett**

**Telephone: 020 8489 5103**

**3. Executive summary**

For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence

**4. Access to information:**

Local Government (Access to Information) Act 1985  
 Background Papers

The following Background Papers are used in the preparation of this Report:

**File: LOMNAVA RESTAURANT**

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

## 5. REPORT

### Background

**5.1** Application by **STEPHEN ACHEAMPONG**, for a New Premises Licence in respect of **LOMNAVA RESTAURANT, 487A SEVEN SISTERS ROAD, LONDON, N15 6EP** under the Licensing Act 2003.

**5.2 Details of new Premises Licence application  
Sale of Alcohol**

Monday to Sunday 13.00 – 03.00

**Provision of Late Night Refreshment**

Monday to Sunday 13.00- 03.00

**Hour Premise is Open to the public**

Monday to Sunday 13.00 to 3.30

**5.3 Crime and Disorder**

Designated premises supervisor in attendance to prevent crime and disorder. Supervisor will work closely with police and all relevant public bodies

**5.4 Public Safety**

Safety will be carried out by all staff and the designated premises supervisors. Some staff are trained to aid the public who cause a nuisance

**5.5 Public Nuisance**

Staff are trained to ward off any persons who attempt to cause nuisance on the premises. The designated premises supervisor will liaise with the police promptly to assist in the prevention of any nuisance attempted by public.

**5.6 Child Protection**

Under age children will not be permitted on the premises. No alcohol will be served to any children under the age of 18. Where staff suspect children are under age identification will be requested. There will be no service if no proof is provided.

## **6. RELEVANT REPRESENTATIONS (CONSULTATION)**

### **Responsible authorities:**

#### **6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

#### **6.2 Comments of Enforcement Services:**

##### **Noise Team**

Have no objection to this application

##### **Food Team**

Have no objections to this application

##### **Health and Safety**

Have no objections to this application

##### **Trading Standards**

Have no objections to this application

#### **6.3 Fire Officer**

The Fire Officer has not made a representation against this application.

#### **6.4 Planning Officer**

Have made representation on this application and have advised that the current hours granted by Planning only allows trading until 12 midnight every day. The applicant did apply to extend hours until 04.00am but this was refused as the proposal was considered to be injurious to the amenity at present enjoyed by adjacent residents by reason of smell, noise and general disturbance and contrary to policies.

#### **6.5. Comments of Child Protection Agency or Nominee**

*"I recommend that the Licensing Authority ensure that the only valid verification of a person's proof of age is with reference to:*

- *A valid passport*
- *A photo driving licence issued in a European Union Country*
- *A proof of age standard card system*
- *A citizen card supported by the Home Office.*

**6.6 Comments of Licensing Officer**

Licensing are aware that the premise was being used for parties/raves and would request that the applicant be made aware that the premises cannot be used for regulated entertainment under this license.

**7.0 Interested Parties**

No representation has been received against this application

**8.0 Financial Comments**

The fee which would be applicable for this application was **£100.00**



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Agenda  
Item  
Page No. 1

**Licensing Act 2003 Sub-Committee on 24<sup>th</sup> JANUARY 2006**

**Report title: Application for a Late Night Premises Licence BINGOL, 551 GREEN LANES, LONDON, N8 0RL**

**Report of: The Lead Officer Licensing**

**Ward(s) affected St Ann's**

**1. Purpose**

**To consider an application, BINGOL, 551 GREEN LANES LONDON N8 0RL to provide a licensable activity in the form of Late Night Refreshment.**

**2. Recommendations**

- 2.1 (a) Grant the application as asked  
(b) Modify the conditions of the licence, by altering or omitting or adding to them  
(c) Reject the whole or part of the application**

**The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.**

**Report authorised by: Robin Payne.....  
Assistant Director Enforcement Services**

**Contact Officer: Ms Daliah Barrett**

**Telephone: 020 8489 5103**

**3. Executive summary**

**For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence**

**4. Access to information:**

**Local Government (Access to Information) Act 1985**

**Background Papers**

**The following Background Papers are used in the preparation of this Report:**

**File: BINGOL**

**The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22**

## 5. REPORT

### Background

5.1 Application by **RIZA ALPKAN** for a New Premises Licence in respect of **BINGOL, 551 GREEN LANES, LONDON, N8 0RL** under the Licensing Act 2003.

### 5.2 Details of Late-night premises application

#### Opening Hours for Public

Monday to Sunday 09.00 – 02.00

#### Late-night refreshments

Monday to Sunday 23.00 – 02.00

### 5.3 Crime and Disorder

Restaurant does not supply alcohol.

### 5.4 Public Safety

Fire safety equipment will be checked regularly and any requirements made by the fire safety officer will be complied with.

### 5.5 Public Nuisance

Steps are to be taken to ensure patrons and staff, leave the premises quietly. Arrangements are to be made for patrons to park their cars in order not to disturb or inconvenience local residents. To ensure waste is disposed of accordingly.

### 5.6 Child Protection

There will be on alcohol- and no gaming machines.

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**6.1 Comments of Metropolitan Police**

The Police have no objections to this application.

**6.2 Comments of Enforcement Services:**

**Food Team**

Have no objections to this application

**Health and Safety**

Have no objections to this application

**Trading Standards**

Have no objections to this application

**6.3 Fire Officer**

The Fire Officer has made no representation to this application.

**6.4 Planning Officer – App 3**

Has made no representation on this matter.

**6.5. Comments of Child Protection Agency or Nominee**

No comments to make on this application.

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**7.0 Interested Parties**

1 letter of representation has been received against this application.

**8.0 Financial Comments**

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