



## NOTICE OF MEETING

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# Licensing Sub-Committee B

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TUESDAY, 6TH JANUARY, 2009 at 19:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Lister (Chair), Newton and Thompson

### 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 8 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 member 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 **and** if this interest affects their financial position or the financial position of a person or body as described in paragraph 8 of the Code of Conduct **and/or** if it relates to the determining of any approval, consent, licence, permission or registration in relation to them or any person or body described in paragraph 8 of the Code of Conduct.

**4. MINUTES (PAGES 1 - 14)**

To approve the unrestricted minutes of the previous meeting of the Licensing Sub Committee B held on 13 March 2007, and the Special Licensing Sub Committee meetings held on 13 September 2007 and 2 April 2008.

**Note from the Head of Local Democracy and Member Services**

The minutes of the Special Licensing Sub Committee B held on 12 May 2008 have necessarily been approved by the Sub Committee Members, as they were required for Legal proceedings. The Sub Committee is invited to endorse the approval of these signed minutes.

**5. SUMMARY OF PROCEDURE (PAGES 15 - 16)**

The Chair will explain the procedure that the Committee will follow for the hearing considered under the Gambling Act 2005 or the Licensing Act 2003. A copy of the procedure is attached.

**6. DRAGONFLY WHOLEFOODS, 24 HIGH STREET, HIGHGATE, LONDON N6 5DG (CROUCH END WARD) (PAGES 17 - 54)**

To consider an application for the supply of alcohol.

**7. MIZGIN RESTAURANT, 485 GREEN LANES, LONDON N4 1AS (HARRINGAY WARD) (PAGES 55 - 92)**

To consider an application for the Provision of Late Night Refreshment.

**8. NEW ITEMS OF URGENT BUSINESS**

To consider any new items admitted under item 2 above.

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Head of Member Services  
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Monday, 22 December 2008

**MINUTES OF THE LICENSING SUB-COMMITTEE B  
TUESDAY, 13 MARCH 2007**

Councillors     Lister, Peacock and Demirci

Apologies        Councillor Mughal

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCB01.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies received from Councillor Mughal, who was substituted by Councillor Demirci.</p>	
<b>LSCB02.</b>	<p><b>URGENT BUSINESS:</b></p> <p>None.</p>	
<b>LSCB03.</b>	<p><b>DECLARATIONS OF INTEREST:</b></p> <p>Councillor Peacock, Chair, informed the Sub-Committee that she had sat on the previous sub-committee that heard an application from the Polish Food and Wine, Item 6 on the Agenda.</p>	
<b>LSCB04.</b>	<p><b>SUMMARY OF PROCEDURE:</b></p> <p>Done.</p>	
<b>LSCB05.</b>	<p><b>MINUTES:</b></p> <p>The sub-committee agreed to the signing off two sets of minutes before the Licensing Sub-Committee B – 19 September 2006 and 3 October 2006 - subject to the agreement of the Licensing Committee members who sat on those hearings but were not present at this meeting.</p>	
<b>LSCB06.</b>	<p><b>POLISH FOOD AND WINE, 78A TOTTENHAM HIGH ROAD N17 (SEVEN SISTERS WARD): RESOLVED</b></p> <p>The Committee decided to grant the application subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The mandatory statutory conditions under section 19 of the Licensing Act 2003.</li> <li>(ii) That the licence holder complies with the provisions of the Operating Schedule.</li> <li>(iii) That two CCTV cameras be positioned to cover the premise's exterior to the satisfaction of the licensing service in respect of the positioning of these. This was in order to prevent public nuisance, and promote public safety.</li> </ul>	

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	<p>(iv) That the licence holder cooperates to install a metal gate to the allyway adjacent to 1 Wargrave Avenue, in order to prevent public nuisance.</p> <p>(v) That alcohol shall only be sold to individuals able to produce valid proof of age by means of a:</p> <ul style="list-style-type: none"> <li>• Passport</li> <li>• European Union Photo Driving Licence</li> <li>• Proof of Age Standard Card</li> <li>• Home Office Citizen Card.</li> </ul> <p>(vi) That prominent, clear and legible notices – in English and Polish – be displayed at all exits requesting the public to respect the needs of local residents and to leave the premises and the area quietly.</p>	
<b>LSCB07.</b>	<p><b>KITAP EVI, 410 HIGH ROAD N17 (BRUCE GROVE WARD):</b></p> <p>This item was withdrawn from the Agenda because the applicant had dealt with the representations made.</p>	
<b>LSCB08.</b>	<p><b>ITEMS OF URGENT BUSINESS:</b></p> <p>None.</p>	

**Councillor SHEILA PEACOCK**  
Chair, Licensing Sub-Committ B

Date:

**MINUTES OF THE LICENSING SUB-COMMITTEE B  
THURSDAY, 13 SEPTEMBER 2007**

Councillors Lister, Peacock (Chair) and Reid

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
LSCB01.	<b>APOLOGIES FOR ABSENCE</b>  None.	
LSCB02.	<b>DECLARATIONS OF INTERESTS</b>  None.	
LSCB03.	<b>SUMMARY OF PROCEDURE:</b>  Noted.	
LSCB04.	<p><b>ROSE SUPERMARKET, 342 LORDSHIP LANE N17 – NEW APPLICATION FOR A PREMISE LICENSE TO ALLOW THE SALE OF ALCOHOL (NOEL PARK WARD)</b></p> <p>Having considered the written objection in the physical absence of the objector, it was</p> <p><b>RESOLVED</b></p> <p>That the application be granted as asked, subject to the following conditions:</p> <ul style="list-style-type: none"> <li>(i) The Mandatory Statutory condition under section 21 of the Act.</li> <li>(ii) That the licence holder complies with the provisions of the Operating Schedule.</li> </ul>	
LSCB05.	<p><b>SOMERFIELD - TOTTENHAM LANE, HORNSEY N8 - NEW APPLICATION FOR SALE OF ALCOHOL AND LATE NIGHT REFRESHMENT (CROUCH END WARD)</b></p> <p>This Item was withdrawn as it was dealt with under Officer delegated authority.</p>	

**Councillor SHEILA PEACOCK**  
Chair, Licensing Sub-Committee B 2007/8

**Date:**

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**MINUTES OF THE SPECIAL LICENSING SUB-COMMITTEE B  
WEDNESDAY, 2 APRIL 2008**

Councillors Lister, Peacock (Chair) and Reid

Also Present: Councillor Patel

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCB01.</b>	<b>APOLOGIES FOR ABSENCE</b>  There were no apologies for absence.	
<b>LSCB02.</b>	<b>URGENT BUSINESS</b>  None received.	
<b>LSCB03.</b>	<b>DECLARATIONS OF INTEREST</b>  None received.	
<b>LSCB04.</b>	<b>SUMMARY OF PROCEDURE</b>  Noted.	
<b>LSCB05.</b>	<p><b>MEZZO, 64 GRAND PARADE N4 (HARRINGAY WARD)</b></p> <p>The Licensing Officer, Ms Barrett, advised the Committee that this application was for a new licence to allow the Sale of Alcohol, provision for Late Night Refreshment and provision of Regulated Entertainment. Ms Barrett, in presenting the report, gave an outline of points 1, 2, 5.0 – 5.6. At point 6.0 of the report Ms Barrett stated there were no representations from the responsible authorities, however there were representations at point 7.0 from interested parties. She further advised that the premises benefited from a previous licence and that this would be surrendered upon the grant of the current licence as the layout had changed. The applicant had not clarified whether he was in receipt of a personal licence. In response the applicant's representative stated that the applicant was in the process of obtaining a personal licence.</p> <p>A representative from the Ladder Community Safety Partnership addressed the Committee and stated that the location of the premises site was in a core area of Green Lanes. Green Lanes was a commercial thoroughfare and that people lived above the shops in flats and the ladder roads. The area was heavily residential with a large number of families whom were entitled to a good nights sleep. Concern was raised about the premises applying to be open for 19 hours out of 24 hours per day. A petition had been signed by 55 signatories whom all lived within reasonable earshot of the premises.</p> <p>There were two main aspects in relation to the application:</p> <ol style="list-style-type: none"> <li>1. The provisions of live music until 1:30am daily, what this</li> </ol>	

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WEDNESDAY, 2 APRIL 2008**

consisted of, whether there was sufficient insulation at the premises and noise nuisance.

2. The provision of late night refreshments until 2:00am in and out of doors. Residents who lived in the properties behind the premises were concerned about noise nuisance.

A local resident addressed the Committee and reiterated concerns regarding noise nuisance from the premises in particular loud talking late at night. Complaints had been made regarding littering and urination taking place at the back of the premises. They were totally opposed to any outdoor activity taking place from the premises particularly as talking could be heard in the gardens of the properties at the back of the restaurant.

The Committee enquired whether there was evidence of anti social behaviour from Mezzo restaurant. The objector responded that the kitchen staff often went outside to smoke. The only other occupants of the Mews at the back of the premises were vacant garages therefore; the only activity in the Mews came from Mezzo restaurant.

The applicant's representative clarified that the activities requested were for live music, which would entail no more than two artists playing at any one time, one would be a guitar player. The applicant was agreeable to the withdrawal of dance and facilities for performance. The applicant further accepted a condition that no licensable activities would take place in the conservatory area. The conservatory area would only be open to allow staff to have a cigarette if that were permitted.

The tabled documents detailed the new seating area. The current licence had no fixed seating area therefore the new application set out clearly the seating area which would be permanent and not an open space within the premises.

The applicant's representative stated that the current premises licence allowed permitted hours until 2:00am. The petition did not object to the terminal hours but referred to the grant of live music and dancing. There would be no licensable activities after midnight only take away food. The Committee had not heard any specific evidence against the premises and it was not anticipated that there would be issues regarding noise nuisance. There were no representations from the responsible authorities and the licensing objectives would be met. Interested parties were already aware of the review mechanism therefore, the request was to grant the licence.

The Committee queried the use of the conservatory and whether licensable activities would take place in that part of the premises. The applicant's representative responded that no licensable activities would take place in the Conservatory and that it would be closed off at 23:00hrs, prior to this time it would only be used as a smoking area. On the basis of considering the interested parties representations the applicant's representative stated they had considered, taken account and amend their application. The Committee further enquired how late



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	<p>live music would be provided and whether this would take place in the conservatory area. In response the Committee was informed that the applicant was agreeable to a condition that no noise would be audible to the nearest residential properties and would end at midnight furthermore, it was reiterated that no licensable activities would take place in the conservatory area and no persons would be permitted outside for non licensable activities as the conservatory would be closed at 23:00hrs.</p> <p>In summary the objectors stated that their concerns had been met and a satisfactory compromise reached.</p> <p>The applicant's representative concluded by stating that the premises were well managed and they could achieve all of the licensable objectives. The application had been amended to take account of interested parties concerns and the application now reflected a reasonable way forward for all parties. The Committee was asked to grant the application as amended.</p> <p><b>RESOLVED</b></p> <p>That the application be granted by the Committee, subject to the following conditions:</p> <ol style="list-style-type: none"> <li>1. That the mandatory statutory condition under Section 19 of the Act be adhered to.</li> <li>2. That the Licensee complies with the provisions of the operating schedule.</li> <li>3. That alcohol shall only be sold to a young adult able to produce valid proof of age by means of a: <ul style="list-style-type: none"> <li>• Passport</li> <li>• Photo driving license</li> <li>• Proof of age standard card, or</li> <li>• Home Office citizen card.</li> </ul> </li> <li>4. The provision of performances of dance and or facilities for dance are to be excluded from the License.</li> <li>5. No amplified music at any time or live music after midnight.</li> <li>6. Live music is to be restricted to no more than two artists performing at any one time and the performance of music shall be located in the front part of the premises not beyond the stairs to the mezzanine floor.</li> <li>7. In relation to the conservatory at the rear of the premises this shall not be used at any time other than as a smoking area (if permitted by the anti-smoking legislation). The door to the area shall be closed at 23:00hrs with no customers permitted to enter/exit except as required as an emergency exit.</li> <li>8. No table and chairs shall be provided in the conservatory area.</li> </ol>	
LSCB06.	<p><b>GRILL KEBAB HOUSE, 270 MUSWELL HILL N10 (MUSWELL HILL WARD)</b></p> <p>This item was deferred to the next meeting.</p>	

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	The meeting concluded at 9:25pm	
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**Cllr Sheila Peacock  
Chair**

**MINUTES OF THE SPECIAL LICENSING SUB-COMMITTEE B  
MONDAY, 12 MAY 2008**

Councillors \*Peacock (Chair), Lister and \*Reid

\* Members present

<b>MINUTE NO.</b>	<b>SUBJECT/DECISION</b>	<b>ACTION BY</b>
<b>LSCB01.</b>	<p><b>APOLOGIES FOR ABSENCE</b></p> <p>Apologies for absence were received from Cllr Lister for whom Cllr Dodds was substituting.</p>	
<b>LSCB02.</b>	<p><b>URGENT BUSINESS</b></p> <p>There were no items of urgent business.</p>	
<b>LSCB03.</b>	<p><b>DECLARATIONS OF INTEREST</b></p> <p>None received.</p>	
<b>LSCB04.</b>	<p><b>SUMMARY OF PROCEDURE</b></p> <p>Noted.</p>	
<b>LSCB05.</b>	<p><b>OLD ALE EMPORIUM PUBLIC HOUSE , 405 GREEN LANES N4 (HARRINGAY WARD)</b></p> <p>The Special Licensing Sub Committee (the Committee) was asked to consider an application to allow regulated entertainment, the provision of late night refreshment and supply of alcohol, to open and to serve alcohol thirty minutes before the start of any major televised international sporting event and thirty minutes after the end of this event, removal of the restrictions on hours for licensable activities for Good Friday and Christmas Day so that whatever day of the week these respective days fall on the hours for the day apply.</p> <p>The Licensing Officer, Ms Barrett presented the report and outlined points 6, 6.1 and 7. In point 6.1 of the report the Licensing Officer stated that the Metropolitan Police representations had partially been agreed, in terms of the wording in relation to non standard timings to now read "to open and serve alcohol thirty minutes before the start of any major televised international sporting event and thirty minutes after the conclusion of the event following consultation with the local Chief of Police". There was a further outstanding matter in relation to the absence of any licensing conditions offered by the applicant. The applicant's representative had tabled a document outlining the conditions they had proposed in line with the licensing objectives. The licensing Officer further informed the Committee that representations had been received from the Noise Team and interested parties and there were residents in attendance at the meeting.</p>	

The Committee questioned the Licensing Officer on whether any of the licensable activities applied for were outside of the premises and in response was advised there would be no out of doors activities.

The Noise officer addressed the Committee and advised of the following representations:

- The operating schedule did not address airborne noise.
- Noise generated by patrons in and outside of the premises.
- The premises should close no later than 1:30hrs.
- That regulated entertainment ceases at 1:00hrs

The Committee queried whether there had been noise complaints or problems in the past and was informed, in response that there had been no complaints for these premises, however these were standard comments for all applications.

An objector addressed the Committee regarding the main concerns for residents and it was noted that there had been a change in the nature of the pub, which had become a destination for late night noise and nuisance. Other concerns raised were:

- The use of the outside area
- Tables and chairs along the pavement
- Lateness of the operating hours
- The fact that the area was a heavily residential area with 2/3 storey flats.
- Frequent experience of people urinating in the front gardens of residential properties opposite the pub.
- Representations had been received from Ward Cllr Alexander and the Chair of governors of South Haringey School.
- Shared the concerns raised by the Noise Team.

Further representations were noted by other residents who objected on the grounds that the late hours requested were unreasonable, as the doors to the premises could not be kept shut. The alleyway beside 97 Burgoyne Road was used as a urinal. Patrons constantly slammed car doors after leaving the premises.

The Committee enquired whether any residents had complained to the Council's noise team in the past and in response was advised that the noise team had been called out during the night.

The applicant's representative addressed the Committee and stated that urinating in resident's gardens was unacceptable. If this had been brought to his attention he would have taken action. The Committee was reassured that no forms of regulated entertainment were to be held outside of the premises. The Pub would remain as a local public house and it was not their intention to become a destination pub. The applicant's representative further informed the Committee that planning permission had been granted to use tables and chairs outside for 17

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people. It was proposed to move the tables and chairs back in under the first floor inside the pub as it would provide shelter. This would also be a place for smokers to go instead of the public highway and on to the Green Lanes area.

It was the applicant's intention not to change the profile of the pub but address and reduce the concerns of residents. It was further noted that there were no concerns raised by the Police. The applicant had undertaken to publicise his telephone number so that residents could report complaints directly to the licensee.

The Committee was advised that the applicant had not received any complaints about this usage and requested that smokers not be restricted until 12:30am. In respect of door staff, there had never been trouble in the past, and therefore it was not envisaged that the clientele would require them.

In respect of music the applicant was happy for this not to be audible to nearest residential property and it was not intended to operate the pub with live music or DJ's every night of the week.

The Committee enquired of the applicant's representative at what time would patrons stop using the tables and chairs outside and how they would stop patrons from making a noise after 11:00pm. The representative responded that the tables and chairs would be brought in earlier if patrons were allowed to smoke outside past 12:30am. Patrons noise would not be restricted to the lower ground area at the front of the premises and not on Burgoyne Road.

The objectors summed up their representations and raised serious concerns regarding the lateness of the operating hours. There would be a number of people congregating outside the premises once closed and requested the Committee to consider the hours requested and the number of people allowed to use the outside area as airborne noise carried. The objectors welcomed the offer of the telephone number that residents could make use of.

The Noise Officer requested the Committee to make use of door staff, limit the number of smokers and people using the outside area.

The applicant's representative summed up by stating that the new smoking area would address some of the residents concerns.

**RESOLVED**

The Licensing Sub Committee (the Committee) has decided to grant the application to vary the premises licence as follows:

1. For the sale of alcohol an additional two and a half hours every Sunday and two hours every Monday to Saturday until 01:00 the (following morning) and also an additional two hours at the start of every Sunday to open at 10:00am.

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2. To permit films, indoor sporting events, live music, performance of dance, provision of facilities for dancing and karaoke Sunday to Friday 10:00 until 01:00 and Saturday 11:00 until 01:00.
3. To permit recorded music Sunday to Friday 10:00 until 01:30 and Saturday 11:00 until 01:30.
4. To permit late night refreshment Monday to Sunday 23:00 until 01:30.
5. Films, recorded music, performance of dance and the provision of facilities for dancing are to take place only indoors.
6. An additional thirty minutes drinking up time on top of the last permitted sale of alcohol.
7. An additional hour after usual closing time every Thursday, Friday, Saturday, Sunday and Monday for the Easter Bank Holiday weekend and every Friday, Saturday, Sunday and Monday following each May Bank Holiday, Spring/Whitsun Bank Holiday and August Bank Holiday weekend and every Christmas Eve, Christmas Day, Boxing Day, St George's Day and St Patrick's Day. For all of the above all of the licensable activities with the exception of late night refreshment will cease half an hour before closing.
8. From the start of permitted hours on New Year's Eve until the end of permitted hours on New Year's Day.
9. Removal of the restriction on hours for licensable activities for Good Friday and Christmas Day so that whatever day of the week these respective days fall on the hours for that day apply.

And subject to the following additional conditions:

1. That the mandatory statutory condition under Section 19 and 20 of the Act be adhered to.
2. That the licensee complies with the provisions of the operating schedule.
3. That alcohol shall only be sold to a young adult able to produce valid proof of age by means of:
  - Passport
  - Photo driving licence
  - Proof of age standard card, or
  - Home Office citizen card
4. All doors and windows will remain closed during the licensed activities. Where a door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open.
5. The licensable activity shall conclude 30 minutes before the premises are due to close to prevent excessive noise breakout as the premises empty.
6. All necessary measures shall be taken such as speakers being mounted on anti-vibration mountings to ensure that there is no sound energy to adjoining properties.
7. The licensee shall ensure that music played in the licensed premises is audible at or within the site boundary of any residential property.
8. All entertainments will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.

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	<p>9. No music will be played in, or for the benefit of patrons in the external areas of the premises.</p> <p>10. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.</p> <p>11. Signs shall be displayed on the frontage instructing patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.</p> <p>12. Deliveries and collections associated with the premises shall not be arranged between the hours of 22:00 and 08:00 so as to minimise the disturbance caused to neighbours.</p> <p>13. Empty bottles and non-degradable refuse will remain in the premises at the end of the trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed.</p> <p>14. All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.</p> <p>15. A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include where disclosed, the complainants name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by Council officers.</p> <p>16. Signs should be displayed instructing patrons to respect the neighbours and behave in a courteous manor.</p> <p>17. Illuminated external signage shall be switched off when the premises is closed.</p> <p>18. Security lights will be positioned to minimise light intrusion to nearby residential premises.</p> <p>19. Tables and chairs are to be brought inside by 10:30pm each evening.</p> <p>20. The outdoor smoking area and immediate vicinity surrounding the premises is to be swept and cleaned prior to opening each morning.</p> <p>21. A dedicated telephone number will be provided to any resident who requests it in writing to enable them to contact the licensee during licensable hours when they witness breaches of the licensing objectives.</p>	
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**Cllr Sheila Peacock**..... *Sheila Peacock*  
**Chair**

**Cllr Ray Dodds**..... *Ray Dodds*  
**Committee Member**

**Cllr Errol Reid**..... *Errol Reid*  
**Committee Member**

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<b>LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY</b>	
<b>INTRODUCTION</b>	
1.	The Chair introduces himself and invites other Members, Council officers, Police, Applicant and Objectors to do the same.
2.	The Chair invites Members to disclose any prior contacts (before the hearing) with the parties or representations received by them
3.	The Chair explains the procedure to be followed by reference to this summary which will be distributed.
<b>NON-ATTENDANCE BY PARTY OR PARTIES</b>	
4.	If one or both of the parties fails to attend, the Chair decides whether to:
	(i) grant an adjournment to another date, or
	(ii) proceed in the absence of the non-attending party.
	Normally, an absent party will be given one further chance to attend.
<b>TOPIC HEADINGS</b>	
5.	The Chair suggests the “topic headings” for the hearing. In the case of the majority of applications for variation of hours, or other terms and conditions, the main topic is:
	<b>Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.</b>
	(i) the prevention of crime and disorder,
	(ii) public safety,
	(iii) the prevention of public nuisance, and
	(iv) the protection of children from harm.
6.	The Chair invites comments from the parties on the suggested topic headings and decides whether to confirm or vary them.
<b>WITNESSES</b>	
7.	The Chair asks whether there are any requests by a party to call a witness and decides any such request.
8.	Only if a witness is to be called, the Chair then asks if there is a request by an opposing party to “cross-examine” the witness. The Chair then decides any such request.
<b>DOCUMENTARY EVIDENCE</b>	
9.	The Chair asks whether there are any requests by any party to introduce late documentary evidence.
10.	If so, the Chair will ask the other party if they object to the admission of the late documents.
11.	If the other party do object to the admission of documents which have only been produced by the first party at the hearing, then the documents shall not be admitted.

12.	If the other party object to documents produced late but before the hearing, the following criteria shall be taken into account when the Chair decides whether or not to admit the late documents:	
(i)	What is the reason for the documents being late?	
(ii)	Will the other party be unfairly taken by surprise by the late documents?	
(iii)	Will the party seeking to admit late documents be put at a major disadvantage if admission of the documents is refused?	
(iv)	Is the late evidence really important?	
(v)	Would it be better and fairer to adjourn to a later date?	
<b>THE LICENSING OFFICER'S INTRODUCTION</b>		
13.	The Licensing Officer introduces the report explaining, for example, the existing hours, the hours applied for and the comments of the other Council Services or outside official bodies. This should be as "neutral" as possible between the parties.	
14.	The Licensing Officer can be questioned by Members and then by the parties.	
<b>THE HEARING</b>		
15.	This takes the form of a discussion led by the Chair. The Chair can vary the order as appropriate but it should include:	
(i)	an introduction by the Objectors' main representative	
(ii)	an introduction by the Applicant or representative	
(iii)	questions put by Members to the Objectors	
(iv)	questions put by Members to the Applicant	
(v)	questions put by the Objectors to the Applicant	
(vi)	questions put by the Applicant to the Objectors	
<b>CLOSING ADRESSES</b>		
16.	The Chair asks each party how much time is needed for their closing address, if they need to make one.	
17.	Generally, the Objectors make their closing address before the Applicant who has the right to the final closing address.	
<b>THE DECISION</b>		
18.	Members retire with the Committee Clerk and legal representative to consider their decision including the imposition of conditions.	
19.	The decision is put in writing and read out in public by the Committee Clerk once Members have returned to the meeting.	

**Licensing Act 2003 Sub-Committee on 06<sup>th</sup> JANUARY 2009**

**Report title: Application for a new Premises Licence at DRAGONFLY WHOLEFOODS, 24 HIGH STREET, HIGHGATE, LONDON N6 5DG**

**Report of: The Lead Officer Licensing**

**Ward(s) affected CROUCH END**

**1. Purpose**

To consider an application by **Mary Philomena McWilliams** to provide the Supply of Alcohol.

**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 -Williams**

**Telephone: 020 8489 8232**

**3. Executive summary**

For consideration by Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions

**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: DRAGONFLY WHOLEFOODS**

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

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## 5. REPORT

### Background

**5.1** An application for a new Premises Licence, by Dragonfly Wholefoods, 24 Highgate High Street, Highgate, London N6 5DG under the Licensing Act 2003.

### **5.2 Details of application being sought under the Premises Licence APP1**

#### **Supply of Alcohol:**

Monday to Sunday 0900 to 2000

#### **Opening Hours:**

Monday to Friday 0800 to 2000

Saturday and Sunday 0900 to 2000

#### **General-all four licensing objectives**

The premises will uphold the following steps vigorously.

All staff will be trained up so that they can uphold the strict policies.

### **5.3 Crime and Disorder**

Alcohol will not be sold to anyone under the age of 18.

Alcohol will not be sold to anyone who is considered over the limit.

The premises will link up with the police and local community to join the 'Action Plan to Tackle Alcohol Related Crime'.

### **5.4 Public Safety**

The licensee will ensure that all fire exits are clear at all times.

The licensee will ensure that alcohol is not sold to anyone over the limit and driving a car and will attempt to persuade that person to take a taxi.

### **5.5 Public Nuisance**

The premises will not supply alcohol to anyone it considers over the limit.

Alcohol will not be permitted to be consumed on the premises.

The licensee will prohibit loitering both on the premises or directly outside the shop.

**5.6 Child Protection**

The licensee will be very strict in not serving to under 18  
Anyone who appears to be under the age of 21 will be asked for identification.  
Alcohol will be kept behind the till and out of reach of minors.

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**6.1 Comments of Metropolitan Police**

Have made representation on this application, but these matters are now withdrawn. The applicant has agreed to add the following condition under 'The Protection of Children from Harm' on the Operating Schedule:

Alcohol may only be sold to individuals over the age of 18 with valid proof of identification with one of the following:

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

App 2

**6.2 Comments of Enforcement Services:**

**Noise Team**

Have made no representation on this application.

**Food Team**

Have made no observations.

**Health and Safety**

Have made no representation on this application.

**Trading Standards**

Have no objections to this application.

**6.3 Fire Officer**

Have made an objection to this application.

App 4

**6.4 Planning Officer**

Have made comments on this application.

App 5

**6.6 Comments of Child Protection Agency or Nominee**

Have made no representation on this application.

**7.0 Interested Parties –APP 6**

1 letter of representation has been received against this application from an interested party.

**8.0 Financial Comments**

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

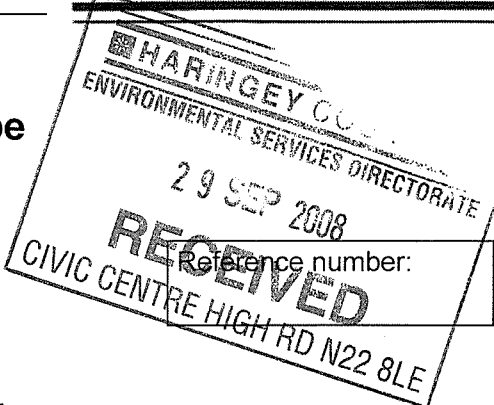
**APPENDIX 1**

**APPLICATION FORM**





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

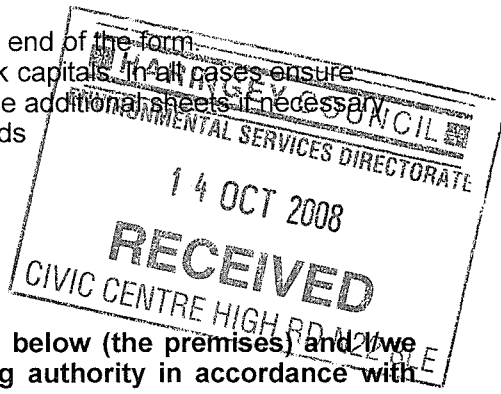


(1)

#### PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) I/We



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

#### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description DRAGONFLY WHOLEFOODS. 24 HIGHGATE HIGH ST LONDON N6 5JG.	
Post town	LONDON
Postcode	N6 5JG.

Telephone number at premises(if any) 0208 347 6087

Non-domestic rateable value of premises £ ~~36,000~~ p/ANNUM  
15,500

#### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- |   |   |
|---|---|
|   | Please tick <input checked="" type="checkbox"/> yes             |
| a) an individual or individuals*                | <input type="checkbox"/> please complete section (A)            |
| b) a person other than an individual*           |   |
| i. as a limited company                         | <input checked="" type="checkbox"/> please complete section (B) |
| ii. as a partnership                            | <input type="checkbox"/> please complete section (B)            |
| iii. as an unincorporated association; or       | <input type="checkbox"/> please complete section (B)            |
| iv. other (for example a statutory corporation) | <input type="checkbox"/> please complete section (B)            |

(1) Insert name and address of relevant licensing authority and its reference number (optional)  
(2) Insert name(s) of applicant

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or Please tick  yes
- I am making the application pursuant to
  - a statutory function; or
  - a function discharged by virtue of Her Majesty's prerogative

**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title  (for example, Rev)

Surname  First names

I am 18 years old or over  Please tick  yes Date of birth 

Day	Month	Year
28	4	1957

Current postal address if different from premises address  
 29 SPEDAN CLOSE  
 BRANCH HILL  
 LONDON NW3 7XF

Post town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr       Mrs       Miss       Ms       Other title   
 (for example, Rev)

Surname       First names

I am 18 years old or over       Please tick  yes      Date of birth      Day       Month       Year

Current postal address if different from premises address

Post town       Postcode

Daytime contact telephone number

E-mail address (optional)

**(B) OTHER APPLICANTS**

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

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

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

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

**Provision of regulated entertainment**

Please tick  yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g) (if ticking yes, fill in box H)

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j) (if ticking yes, fill in box K)

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

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

**In all cases complete boxes N, O and P**

**Part 3 - Operating Schedule**

When do you want the premises licences to start?

Day	Month	Year
01	09	2008

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

Day	Month	Year

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

WE ARE AN INDEPENDANT FAMILY RUN ORGANIC WHOLEFOODS RETAILER AND HEALTHY FOOD CAFE.

WE SELL ORGANIC GROCERIES, FRESHLY BAKED BREADS, NATURAL BEAUTY + WELL BEING PRODUCTS, FRESHLY PREPARED CAKES + TREATS, AMBIENT WHOLEFOOD PRODUCTS. WE HAVE A CAFE AND GARDEN AREA AT THE BACK OF OUR SHOP AND WE SELL HEALTHY FOOD WINCHES SMOOTHIES, JUICES TEA'S + COFFEE'S

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

--

**A**

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

**B**

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

**C**

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

**D**

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

**E**

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

**F**

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



**G**

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

**H**

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

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

**J**

<b>Provision of facilities for dancing</b>			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	Will the facilities for dancing be indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2) Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

**K**

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

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

**M**

Supply of alcohol			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			On the premises <input type="checkbox"/> Off the premises <input checked="" type="checkbox"/> Both <input type="checkbox"/>
Mon	<del>MIDDAY</del> 8pm	8pm	State any seasonal variations for the supply of alcohol (please read guidance note 4)
	9am	8pm	
Tue	<del>12PM</del> 8pm	8pm	
	9am	8pm	Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times from those listed in the column on the left, please list (please read guidance note 5)
Wed	<del>12PM</del> 8pm	8pm	
	9am	8pm	<p><del>OUR SHOP OPENS AT 8AM MONDAY TO FRIDAY AND FROM 9:30AM AT WEEKENDS. IF WE ARE ALLOWED BY LAW TO SELL ALCOHOL BEFORE THE TIMES STATED, WE WILL</del></p> <p>↑</p> <p><del>FROM 9:00AM 8PM - MONDAY TO SUNDAY</del></p>
Thur	<del>12PM</del> 8pm	8pm	
	9am	8pm	
Fri	<del>12PM</del> 8pm	8pm	
	9am	8pm	
Sat	<del>12PM</del> 6pm	6pm	
	9am	8pm	
Sun	<del>12PM</del> 6pm	6pm	
	9am	8pm	

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

Name **MARY McWILLIAMS**  
 Address **29 SPEDAN CLOSE, BRANCH HILL**  
**LONDON**  
 Postcode **NW3 7XF**  
 Personal Licence number (if known)  
 Issuing licensing authority (if known) **CAMDEN**

**N**

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

**THERE IS NONE**

**O**

**Hours premises are open to the public**

Standard days and timings (please read guidance note 6)

Day	Start	Finish
Mon	8AM	8PM
Tue	8AM	8PM
Wed	8AM	8PM
Thur	8AM	8PM
Fri	8AM	8PM
Sat	9:30	8PM
Sun	9:30	8PM

State any seasonal variations (please read guidance note 4)

**CLOSED FOR FOUR DAYS OVER CHRISTMAS - 25, 26, 27, 28 OF DECEMBER AND NEW YEARS DAY.**

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

**P** 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)

WE WILL UPHOLD THE FOLLOWING STEPS VIGOROUSLY. WE WILL TRAIN UP ALL OUR STAFF SO THAT THEY CAN UPHOLD OUR STRICT POLICIES TO FOLLOW:

b) The prevention of crime and disorder

WE WILL NOT SELL ALCOHOL TO ANYONE UNDER THE AGE OF 18  
WE WILL NOT SELL ALCOHOL TO ANYONE WE CONSIDER OVER THE LIMIT.  
WE WILL LINK UP WITH THE POLICE AND LOCAL COMMUNITY TO JOIN THE 'ACTION PLAN TO TACKLE ALCOHOL

RELATED CRIME'

c) Public safety

WE WILL ENSURE THAT ALL FIRE EXITS ARE CLEAR AT ALL TIMES. WE WILL ENSURE THAT WE DO NOT SELL ALCOHOL TO ANYONE OVER THE LIMIT AND DRIVING A CAR. WE WILL ATTEMPT TO PERSUADE THAT PERSON TO TAKE A TAXI.

d) The prevention of public nuisance

WE WILL NOT <sup>SUPPLY</sup> ALCOHOL TO ANYONE WE CONSIDER OVER THE LIMIT. WE WILL NOT PERMIT ALCOHOL TO BE CONSUMED ON THE PREMISES. WE WILL PROHIBIT LOITERING BOTH ON OUR PREMISES AND DIRECTLY OUTSIDE OUR SHOP.

e) The protection of children from harm

WE WILL BE VERY STRICT IN NOT SERVING TO UNDER 18'S. ANYONE OF THE APPEARANCE OF UNDER THE AGE OF 21 WILL BE ASKED FOR I.D. ALCOHOL WILL BE KEPT BEHIND

LA 17 THE TILL AND OUT OF THE REACH OF MINORS

CHECKLIST:

- 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

Please tick ✓

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. (Please read guidance note 11) If signing on behalf of the applicant please state in what capacity.

Signature *Mary M Williams*

Date *11/08/08*

Capacity *DIRECTOR*

For joint applications signature of 2nd applicant, 2nd applicant's solicitor or other authorised agent. (Please read guidance note 12)

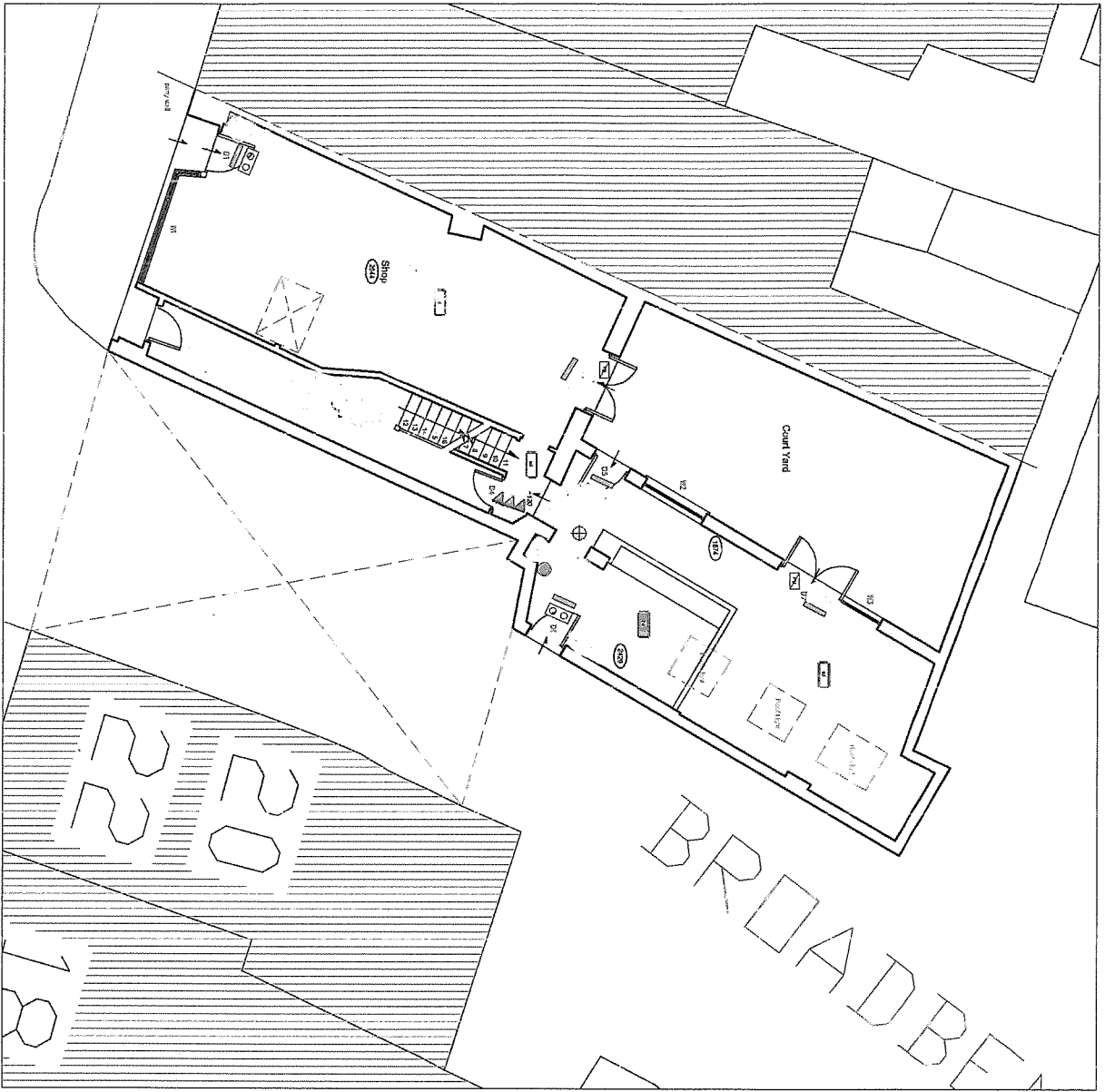
If signing on behalf of the applicant please state in what capacity.

Signature

Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you by e-mail your e-mail address (optional)	



Ground Floor Plan



ELECTRICAL LEGEND

- TV Monitor
  - AMF/SVR video & ATM
  - Fire Alarm Panel
  - Handheld ext. sign
  - Emergency light
  - Fire Alarm call point & sounder
  - Emergency pull cord (Garden w/d)
  - Smoke Detector
  - CO2 extinguisher (2kg)
  - Heat detector
  - Powder (5kg) + protection box
  - Water Chemical extinguisher (6 lt)
  - Water extinguisher (9 lt)
  - Fire Alarm
  - Fire Exit door
  - Fire Exit door
  - Fire exit direction sign
  - Sound Limitation sensor
  - Sound Limitation Control Panel
- For the use of all staff, visitors and contractors.  
Emergency situations only. Do not touch the box  
unless you are trained to do so.  
Keep the door closed at all times.

Rev.	Date	By	Checked

**ANDERSON, WILDE & HARRIS**  
CHARTERED ARCHITECTS SURVEYORS & ENGINEERS

75 Window Street London WC1M 9HN  
Tel: +44 (0) 20 7493 8400  
Fax: +44 (0) 20 7493 8405  
e-mail: enquiries@awh.co.uk  
www.andersonwildeharris.com



**Project**  
24 Highgate High Street, London, NE 5JG

**Job Title**  
Dragonfly Organic Wholesalers

**Drawing Title**  
Proposed Ground Floor Plan

Date 26.07.07	Drawn by AM	Checked CB	Scale 1:100
Dwg. No. HIGHGATEP01			Rev.



**APPENDIX 2**

**REPRESENTATION FROM POLICE – NOW  
WITHDRAWN**



Your reference:

Our reference: 299/2008

Date: 15 October, 2008

**Metropolitan Police Service**

Ms D.BARRETT  
ENVIRONMENTAL CONTROL SERVICES  
TECHNO PARK  
ASHLEY ROAD  
TOTTENHAM N.17

*Licensing*  
Quicksilver Patrol Base  
Western Road  
Wood Green  
N22 6UH

Tel: 0203 276 0150

Dear Ms. Barrett

**Re:- Application for a Premises Licence:-**

**Dragonfly Wholefoods 24 High Street N6.**

With reference to the above application Police have considered the application and wish to make the following representation.

1.This is under the Protection of children from harm objective.

I recommend that the following form of verification of a persons proof of age is:-

- . 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

If you require further information please do not hesitate to contact me on the above telephone number.

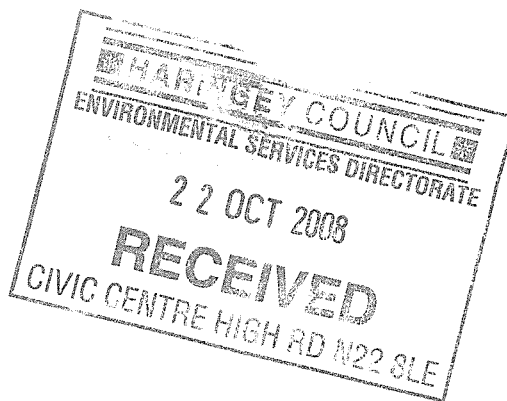
Yours Sincerely

Geoffrey Parker  
Licensing  
Wood Green Police Station

c..c.M.McWilliams

Mary McWilliams  
Dragonfly Wholefoods  
24 Highgate High Street  
London  
N6 5JG

Date: 16 October 2008



Dear Sir/Madam

I write in reference to a letter received from Geoffrey Parker at the Metropolitan Police licensing team, Wood Green Police Station.

Please rest assured that we are well aware of our legal and moral obligation to ensure the sale of alcohol is to those over the age of eighteen.

Let me stress the importance we place on verifying the age of any minors we suspect of being under eighteen. We will insist on seeing one of the following forms of identification -

- A valid passport
- A photo driving licence
- A proof of age standard card system
- a citizen card supported by the home office.

Please do not hesitate to contact me if I can be of any further help to you.

Mary McWilliams



Your reference:

Our reference: 299/2008

Date: 22 October, 2008

**Metropolitan Police Service**

Ms D.BARRETT  
Licensing  
Techno Park  
Ashley Road  
Tottenham N.17

*Licensing*  
**Quicksilver Patrol Base  
Western Road  
Wood Green  
N.22 6UH**

Tel: 0203 – 276 - 0150

Dear Ms. Barrett

**Re:- Application for a variation to a Premises Licence:-**

**Dragonfly Wholefoods 24 High Street N.6**

With reference to the above application and our letter of representations dated the 15<sup>th</sup> of October 2008. I have received a letter from the applicant agreeing to our representations.

I therefore wish to withdraw our representation. Copy of letter attached.

If you require further information please do not hesitate to contact me on the above telephone number.

Yours Sincerely

Geoffrey Parker  
Licensing  
Wood Green Police Station

c.c. M.MacWilliams

**APPENDIX 3**

**REPRESENTATION FROM FIRE OFFICER**

Edmonton Fire Station  
99 Church Street  
Edmonton, London N9 9AA

Switchboard 020 7587 2000  
www.london-fire.gov.uk



LONDON FIRE & EMERGENCY PLANNING AUTHORITY

FIRE AND COMMUNITY SAFETY DIRECTORATE  
Roy Bishop Deputy Commissioner

Date  
23 October 2008

Our Ref.  
FS/31/171090/RG

Your Ref.

Addressee  
Mary McWilliams  
29 Spedan Close  
Branch Hill  
London  
NW3 7XF

Please reply to  
Tracy Brown  
Inspecting Officer

Direct Telephone  
020 8803 7530

Direct Fax  
020 8807 7196

Direct E-mail  
haringeygroup@london-fire.gov.uk

Dear Sir or Madam,

### LICENSING ACT 2003

**Premises: Dragonfly Wholefoods, High Street, Highgate, London, N6 5DG**

With reference to the application dated 11/08/2008, in respect of the above mentioned premises, I have received insufficient information on which to determine the adequacy or otherwise of the fire safety arrangements in the premises.

Please submit to this office, within the next 5 working days:

- A set of readable plans (previous plan smudged and unable to read)
- A copy of your fire risk assessment

I enclose a copy of our guidance note for applicants for premises licences to assist you.

**If the information requested is not supplied within the specified time, the Fire Authority will make a representation to the licensing committee that the Public Safety objective of the Licensing Act may not have been properly addressed.**

Any queries regarding this letter should be addressed to the person named at the top of the letter. If you are dissatisfied in any way with the response given, please speak to the Team Leader quoting our reference.

Yours faithfully,

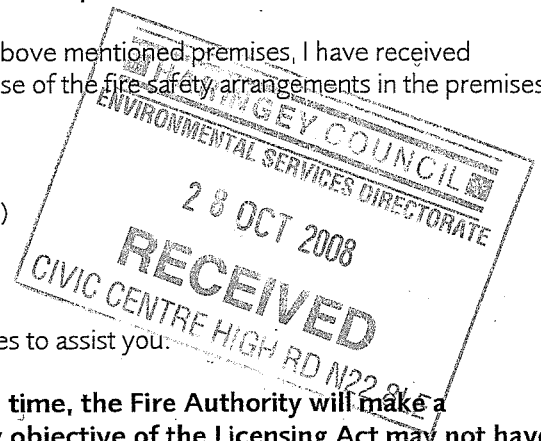
for Assistant Commissioner

C.C.: Licensing Team, London Borough of Haringey, Tecknopark, Ashley Road, Tottenham, London

Encl: FS\_GN\_71

Data Protection Act 1998: The information you have given on this form will be processed by London Fire Emergency Planning Authority for the purpose of **fire and emergency planning and control**. We will keep your details secure and will not disclose them to other organisations or third parties (except contractors or suppliers working on our behalf) without your permission unless we are legally required to do so.

For more information about how we use your personal information, see our notification entry (Z7122455) [www.informationcommissioner.gov.uk](http://www.informationcommissioner.gov.uk) or visit: [www.london-fire.gov.uk](http://www.london-fire.gov.uk)



**Olson Kendra**

---

**From:** Barrett Daliah  
**Sent:** 08 December 2008 10:44  
**To:** Olson Kendra  
**Subject:** FW: dragonfly

---

**From:** dustinbroadbery@aol.co.uk [mailto:dustinbroadbery@aol.co.uk]  
**Sent:** 04 December 2008 10:57  
**To:** Barrett Daliah  
**Subject:** dragonfly

FIRE RISK ASSESMENT  
DRAGONFLY WHOLEFOODS  
24 HIGHGATE HIGH STREET  
LONDON N6 5JG



Significant hazard  
rubbish bags left outside of the shop by our rubbish collection company, Haringey Enterprise

Who is at risk  
customers and staff

what is the risk  
the bags could become a fire hazard blocking the fire exit during a fire.

Preventative action  
Continue putting pressure on Haringey's Enterprise who are responsible for picking up the bags during the night. Will make some phone-calls this week.

Significant hazard  
Inadequate fire fighting equipment

who is at risk  
customers and staff

what is the risk  
Our fire extinguishers had no hoses and the equipment would have been useless in combating a fire

preventative action  
I have already acquired the hoses and fitted them correctly to the extinguishers so that now they are fully functioning

Significant hazard  
No fire detection equipment in the basement storage room

who is at risk  
customers and staff

what is the risk

A fire would not be detected in other parts of the building if a fire occurred in this area

preventive action

I will employ an electrician to fit fire detection equipment to the basement so that the detection can be heard in the juicebar and shop in the event of a fire before, and this will be done before 13th February 2009

Significant risk

no fire door on sealing off the basement storage room

who is at risk

customers and staff

what is the risk

in event of fire customers and staff would not be able to exit as quickly as possible due to inadequate protection to emergency route from fire.

Preventative action

I will provide a set to BS 476 part 22 standards to the basement storage before 3th February 2009.

Significant risk

no emergency lighting downstairs

Who is at risk

customers

what is the risk

In the event of a fire there is no emergency lighting downstairs to alight a path to the exit for customers leaving the toilet

Preventative action

A system of emergency lighting will be fitted to the hallway downstairs complying with the current BS5266 part 1 or equivalent standard no later than 13th February 2009.

Significant risk

No recorded emergency plan

who is at risk

customers and staff

what is the risk

there is no recorded programme to follow in the event of an emergency

Preventative action

I will produce a recorded emergency plan before the 1st of January 2009.

Significant risk

Inadequate maintenance of fire extinguishers.

Who is at risk

customers and staff



what is the risk

The equipment may not be effective in fighting a fire

Preventative action

I will arrange regular maintenance of all fire extinguishers to make sure they are in an effective state, working order and in good repair. This maintenance will be done every six months and begin no later than 13th February.

---

Trim your tree and your spending! [Get the AOL Holiday Shopping Toolbar](#) for money saving offers and gift ideas.

---

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

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**APPENDIX 4**

**REPRESENTATION FROM PLANNING OFFICER**

**Customer ID** 632  
**Date Received** 14 October 2008  
**Address 1** Dragonfly Wholefoods  
**Address 2** 24 Highgate High Street  
**Address 3** London  
**Post Code** N6 5DG  
**Object**  
**Approve**  
**Conditions** Await Response From Planning For Current Application.  
**Type of Licence**

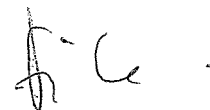
**Notes** We are investigating this location for a the ACU Units, which are attached to a Listed Building. Planning Permission has been applied for, but does not affect Licensing. Refer to Planning response re their intention with the Listed Building Application. We may need to enforce at this site and this may affect their License Application.

**Email Date Sent** 29-Oct-08

**APPENDIX 5**

**REPRESENTATION FROM INTERESTED PARTY**

1<sup>st</sup> and 2<sup>nd</sup> Floor Maisonette  
24 Highgate High Street  
London  
N6 5JG



10 November 2008

Dear Sir / Madam,

**Representation to the Licensing Authority re Dragonfly Wholefoods Premises Licence Application to permit the Supply of Alcohol**

As the owner of the adjoining property I am concerned about this application for a number of reasons listed below with what I hope are useful suggestions to address some of those concerns.

I believe that the current shop with café is already suffering from a lack of storage that introducing additional products will only exacerbate. This has had particular impact on my residence as the shared hallway has been used for storage and an area above the single storey extension has had a bamboo screen erected which, during the summer at least, is used to store produce on the roof.

As the premises does not have a commercial kitchen any increase in the catered aspects of sales will put further strains on the property's space and storage.

The addition of additional products also concerns me with regards to the rubbish that it will create. Without commercial bins the rubbish has to be stored on the property, regularly in our joint hallway, until it can be left outside the premises at night. This means that c.6 large bags cover the façade of the property every evening causing a nuisance and undesirable environment.

Finally, I am concerned that licensed drinking hours will have significant impact on the noise levels that have already driven two tenants out of my flat. With a bedroom overlooking the rear courtyard, noise has regularly disturbed the sleep of the occupant.

**Proposed offsetting measures:**

- Agreement and strict observation that the shared hallway is not used for storage, especially flammable packaging or rubbish
- Remove roof storage area above the extension
- Purchase industrial bins that leave the front of the property clear of bags and clean
- Ensure customers leave on time followed by swift cleaning, without music, that is completed by 9.30 to avoid disturbing the sleep of nearby residents
- Warning and discussion for other developments for example a chiller unit was added to the roof of the extension outside the rear bedroom window without warning and clearly audible in the rear bedroom

Yours sincerely,

Ana Ansell nee Bolitho

Maisonette Owner

**Perryman Dylan**

---

**From:** Dustin Broadbery [dustinbroadbery@hotmail.com]  
**Sent:** 19 November 2008 12:04  
**To:** Perryman Dylan  
**Subject:** RE: Representations from resident and Fire Authority

Thanks for getting back to me. I have copied and pasted the response below. I hope that this is sufficient. I could always scan the file onto and email when I return to the shop tomorrow. Please let me know if this will be necessary.

Dear Sir/Madam.

I write in response to representations posted by Ana Ansell nee Bolitho.

The resident is very much mistaken addressing a storage problem here at our shop. Our shop has ample space for new products, including alcohol; and since opening 14 months ago we have successfully increased the amount of product lines we sell, and continue in this expansion, and any new alcohol products will have no more impact upon our storage or display space than any other new product line being introduced.

The resident has addressed storage concerns in our communal hallway. As the representative should know, following a visit by the council some months ago we were advised not to store cardboard in the hallway, since which time, and as a strict rule - all cardboard is stored upstairs in a private storeroom.

The empty wooden vegetable crates upon our private roof are not 'stored produce,' They are a surplus of vegetable crates waiting for collection from our supplier. Yesterday evening the crates were removed from our private roof.

I fail to see that the storing of empty vegetable crates upon our private roof and the now resolved issue of storing cardboard in our communal hallway has anything to do with our off-licence application. These are separate issues, that as always, I am happy to discuss with the resident at any time.

I do not understand the residents representation regarding 'the catered aspects of sales' or see its significance to our license application.

The concern that - the off-license sale of alcohol from our shop will have a noise impact upon the representatives' tenants - is preposterous. I cannot see how selling a bottle of organic wine is any noisier than selling a tin of kidney beans. I will remind the representative that this application is for an off-license, not a license to sell alcohol through our juice bar, nor alcohol to be consumed in our garden. The issue regarding the two tenants moving from the flat upstairs because of a combination of the generic commercial noise generated from our juice-bar (at the back of our shop) and perhaps, the faulty un-closing window to the flat upstairs, again has no real bearing upon this off-license application, and is a matter that needs to be addressed outside of this application, where, as always I am happy to look for ways in which we can optimise the harmony of our environment.

Regarding the 'Proposed Offsetting Measures'

- Apart from the occasional plastic vegetable or bread crate under the stairs, well out of the way of the communal thoroughfare to the flat upstairs, our communal hallway is not in use for the purpose of storage. It is used once a week for an hour or two to off-load a delivery. As soon as the delivery arrives a member of our staff begins the unpacking process, and at no time are the boxes left unattended as a fire hazard.

- The empty vegetable crates have been removed from on top of our private roof.
- It is not possible to leave 'industrial bins' outside our shop. As a commercial operation our rubbish is collected by Haringey Council's 'Enterprise.' Our contract specifies that our rubbish be placed in special orange sacks and left outside the shop in the evening so that it can be collected during the night, like all other shops in Haringey. We do not put rubbish outside our shop during the day to intentionally spoil the front of our shop, and if on those rare occasion a bag still remains in the morning then it is the fault of 'Enterprise' for not collecting it during the night, and rest assured I have been most assertive in reprimanding my service provider for this. May I remind the resident that her property sits on top of a commercial property, which, like all others along the High Street deposits its rubbish outside overnight.
- We always ensure that our customers leave promptly after closing, and our cleaner is as 'swift' as his job permits him. Sometimes he works quietly late into the night performing the necessary cleaning duties that are required of our business. Still I fail to see that our cleaners functions in our juice bar have any true bearing upon this license application.
- If we decide to unwind to some low-level music while we pack up and clean after a hard days work then that is our prerogative, and providing the music is not violating any environmental health watersheds and turned off before a reasonable hour, which it is, then I see no reason for complaint, and furthermore I fail to see its relevance to this off-license application.
- The external compressor unit mentioned is no different to any other unit used by retailers and supermarkets across the country and its noise emissions in decibels well beneath any environmental health watersheds. You can be certain of my compliance if at any point I am obliged to contact the resident regarding any future planning applications.

As always the peace and sanctity of our surrounding community is paramount to our business ethos. As demonstrated on many occasions we are always quick to listen to and act to reconcile any issues that our neighbour's have with the way in which we conduct our business; and I would ask that if the resident has any future concerns outside of this premissis application that she should address them directly so that we may find a solution.

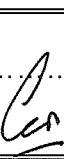
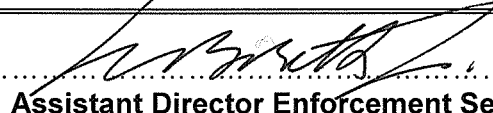
Best regards  
Dustin broadbery  
Managing Director

> Subject: RE: Representations from resident and Fire Authority  
> Date: Wed, 19 Nov 2008 09:25:05 +0000  
> From: Dylan.Perryman@haringey.gov.uk  
> To: dustinbroadbery@hotmail.com  
> CC: Kendra.Olson@haringey.gov.uk  
>  
> Good morning Dustin  
>  
> We are unable to open ODT files, please send a printed copy of the  
> letter.  
>  
> Thanks  
> Dylan Perryman  
> 0208 489 5596  
>  
> -----Original Message-----  
> From: Olson Kendra  
> Sent: 19 November 2008 08:28





**Licensing Act 2003 Sub-Committee on 6<sup>th</sup> January 2009**

<b>Report title: Application for a new Premises Licence at MIZGIN RESTAURANT, 485 GREEN LANES, LONDON N4 1AS</b>	
<b>Report of: The Lead Officer Licensing</b>	
<b>Ward(s) affected Haringay</b>	
<b>1. Purpose</b>  To consider an application by Cuma Ates to allow The Provision of Late Night Refreshment at the above premises.	
<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> <p>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.</p>	
<b>Report authorised by: Robin Payne</b> .....	  <b>Assistant Director Enforcement Services</b>
<b>Contact Officer: Ms Daliah Barrett -Williams</b>	<b>Telephone: 020 8489 8232</b>
<b>3. Executive summary</b>  For consideration by Sub Committee under Licensing Act 2003 for a Premises licence with variation to the existing conditions	
<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 RESTAURANT</b> The Background Papers are located at Enforcement Service, Technopark Ashley Road, London N17	

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**5. REPORT****Background**

**5.1** An application for a new Premises Licence, by Cuma Ates in respect of Mizgin Restaurant, 485 Green Lanes, London N4 1AS under the Licensing Act 2003.

**5.2 Details of the application being sought under a new Premises Licence APP1**

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0200

Opening Hours

Monday to Sunday 0700 to 0230

**General-all four licensing objectives**

CCTV and surveillance.

Provision of fire fighting equipment.

Provision of Public Notices, i.e. all children to be accompanied by adults.

Adults will accompany children on the premises.

**5.3 Crime and Disorder**

Provision of CCTV and surveillance monitors.

**5.4 Public Safety**

Provision of fire fighting equipment.

Limiting the number of people permitted on the premises to 60 (including staff).

The restaurant section of premises will have 1 Foam Extinguisher and the kitchen area will have 1 Dry Powder Extinguisher.

Rear fire door to be kept locked open during opening hours.

**5.5 Public Nuisance**

Provisions of public notices on walls, i.e. written notices on the door and walls asking customers to leave quietly.

**5.6 Child Protection**

To only allow children accompanied by adults/ parents or guardians.

**6. RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

---

**6.1 Comments of Metropolitan Police**

The Police have no adverse comments to make regarding this application

**6.2 Comments of Enforcement Services:**

**Noise Team**

Have made representation on this matter, **App 2**

**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**

Have no objections to this application

**6.4 Planning Officer**

Have no objections to this application

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

No representation made on this matter

**7.0 Interested Parties – App 3**

2 letters of representation have been received against this application.

**8.0 Financial Comments**

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

**APPENDIX 1**

**APPLICATION FORM**

AG 902 610

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

(1)

Reference number:

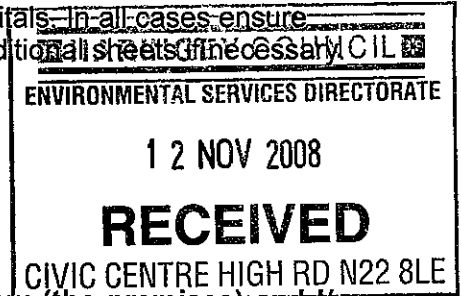
## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form.

If you are completing this form by hand please write legibly in block capitals ~~in all cases ensure~~ that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records

(2) I/we ~~CUMA~~ ~~ATES~~



apply for a premises licence under section 17

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

### Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description 485 GREEN CANES N4 1AS MIZGIN RESTURANT	
Post town HARINGEY	Postcode N4 1AS

Telephone number at premises(if any) 02083408965

Non-domestic rateable value of premises £19,500

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

- Please tick  yes
- a) an individual or individuals\*  please complete section (A)
  - b) a person other than an individual\*
    - i. as a limited company  please complete section (B)
    - ii. as a partnership  please complete section (B)
    - iii. as an unincorporated association; or  please complete section (B)
    - iv. other (for example a statutory corporation)  please complete section (B)

(1) Insert name and address of relevant licensing authority and its reference number (optional)  
(2) Insert name(s) of applicant

- c) a recognised club  please complete section (B)
- d) a charity  please complete section (B)
- e) the proprietor of an educational establishment  please complete section (B)
- f) a health service body  please complete section (B)
- g) a person who is registered under Part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital  please complete section (B)
- h) the chief officer of police of a police force in England and Wales  please complete section (B)

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

- I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities; or
- I am making the application pursuant to
  - a statutory function; or
  - a function discharged by virtue of Her Majesty's prerogative

Please tick  yes




**(A) INDIVIDUAL APPLICANTS** (fill in as applicable)

Mr  Mrs  Miss  Ms  Other title (for example, Rev)

Surname  First names

I am 18 years old or over  Please tick  yes

Date of birth 

Day	Month	Year

Current postal address if different from premises address

Post town  Postcode

Daytime contact telephone number

E-mail address (optional)

Mr  Mrs  Miss  Ms  Other title   
 (for example, Rev)

Surname

First names

ATES

CUMA

I am 18 years old or over  Please tick  yes

Date of birth

Day	Month	Year
10	10	1973

Current postal address if different from premises address

11 BOURNES HOUSE  
 CHISLEY ROAD  
 TOTTENHAM  
 N15 6EH

Post town N15 6EH

Postcode N15 6EH

Daytime contact telephone number

07507569655

E-mail address (optional)

acumasilan@hotmail.com

**(B) OTHER APPLICANTS**

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

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



When do you want the premises licences to start?

Day	Month	Year
1	6	10 2008

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

Day	Month	Year

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

RESTAURANT (NO LIQUOR LICENCE)

(NIGHT-CLUB) LATE NIGHT REFRESHMENT

TERRACED PREMISES IN A ROW OF STOPS.

MY ROLE IN THE BUSINESS WILL BE TO MANAGE THE BUSINESS FROM 7 AM UNTIL 11 PM I AM ALSO THE LEASOLDOR

THE ROLE OF MR CUMM ATEŞ WILL BE TO MANAGE THE BUSINESS FROM 11 PM UNTIL CLOSING TIME. MR C ATEŞ WILL HAVE FULL RESPONSIBILITY OF THE PREMISES DURING THE LICENSABLE HOURS.

I HAVE ALSO EMPLOYED A CONSULTANT TO PROVIDE AN EXTRACTOR FAN REPORT WITH REGARDS TO REDUCING THE NOISE EMANATING FROM THE FAN. ONCE THE RECOMENDATIONS HAVE BEEN MADE THE WORKS WILL UNDERTAKE TO IMPLIMENT THE RECOMENDATIONS.

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

**Provision of regulated entertainment**

Please tick  yes

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (e), (f) or (g)  
(if ticking yes, fill in box H)

**Provision of entertainment facilities for:**

- i) making music (if ticking yes, fill in box I)
- j) dancing (if ticking yes, fill in box J)
- k) entertainment of a similar description to that falling within (i) or (j)  
(if ticking yes, fill in box K)

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

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

**In all cases complete boxes N, O and P**

**A**

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

**B**

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

**C**

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

**D**

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

**E**

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

**F**

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

**G**  
**Performances of dance**

Standard days and timings  
 (please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Will the performance of dance take place indoors or outdoors or both  
 - please tick  (please read guidance note 2)

Indoors     Outdoors     Both

Please give further details here (please read guidance note 3)

State any seasonal variations for the performance of dance  
 (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the performance of dance entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)

**H**

**Anything of a similar description to that falling within (e), (f) or (g)**

Standard days and timings  
 (please read guidance note 6)

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give a description of the type of entertainment you will be providing

Will this entertainment take place indoors or outdoors or both  
 - please tick  (please read guidance note 2)

Indoors     Outdoors     Both

Please give further details here (please read guidance note 3)

State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g) (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the entertainment of similar description to that falling within (e), (f) or (g) at different times from those listed in the column on the left, please list (please read guidance note 5)

**Provision of facilities for making music**

Please give a description of the facilities for making music you will be providing  
**Page 69**

Standard days and timings  
 (please read guidance note 6)

Will the facilities for making music be indoors or outdoors or both  
 - please tick  (please read guidance note 2)  
 Indoors  Outdoors  Both

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for the provision of facilities for making music  
 (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for provision of facilities for making music at different times from those listed in the column on the left, please list (please read guidance note 5)

**J**

**Provision of facilities for dancing**

Please give a description of the facilities for dancing you will be providing

Standard days and timings  
 (please read guidance note 6)

Will the facilities for dancing be indoors or outdoors or both  
 - please tick  (please read guidance note 2)  
 Indoors  Outdoors  Both

Day	Start	Finish
Mon		
Tue		
Wed		
Thur		
Fri		
Sat		
Sun		

Please give further details here (please read guidance note 3)

State any seasonal variations for providing dancing facilities  
 (please read guidance note 4)

Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing entertainment at different times from those listed in the column of the left, please list (please read guidance note 5)

**K**

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





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

Name

Address

Postcode

Personal Licence number (if known)

Issuing licensing authority (if known)

**N**

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

**O**

**Hours premises are open to the public**

Standard days and timings  
(please read guidance note 6)

Day	Start	Finish
Mon	07:00	02:30
		02:30
Tue	07:00	02:30
Wed	07:00	02:30
Thur	07:00	02:30
Fri	07:00	02:30
Sat	07:00	02:30
Sun	07:00	02:30

State any seasonal variations (please read guidance note 4)

Non-standard timings. Where you intend to use the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 5)

P 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)

CCTV + SURVEILLANCE  
 PROVISION OF FIRE FIGHTING EQUIPMENT  
 PROVISION OF PUBLIC NOTICES - IE ALL CHILDREN TO BE ACCOMPANIED BY ADULTS.  
 ADULTS TO ACCOMPANY CHILDREN

b) The prevention of crime and disorder

PROVISION OF CCTV & SURVEILLANCE MONITOR.

c) Public safety

PROVISION OF FIRE FIGHTING EQUIPMENT  
 LIMITING THE NO. OF PEOPLE PERMITTED ON THE PREMISES TO 60 (INC. STAFF)  
 REST = 1x FOAM EXTINGUISHER / KITCHEN = 1x DRY POWDER EXTINGUISHER  
 REAR = FIRE DOOR TO BE KEPT LOCKED OPEN DURING OPENING HRS.

d) The prevention of public nuisance

PROVISION OF PUBLIC NOTICES ON WALLS.  
 IE: WRITTEN NOTICES ON THE DOOR & WALLS ASKING CUSTOMERS TO LEAVE QUIETLY.

e) The protection of children from harm

TO ONLY ALLOW CHILDREN ACCOMPANIED BY ADULTS / PARENTS OR GUARDIANS.

- 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

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. (Please read guidance note 11)  
If signing on behalf of the applicant please state in what capacity.

Signature 

Date 07-11-2008

Capacity

For joint applications signature of 2nd applicant, 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 \_\_\_\_\_

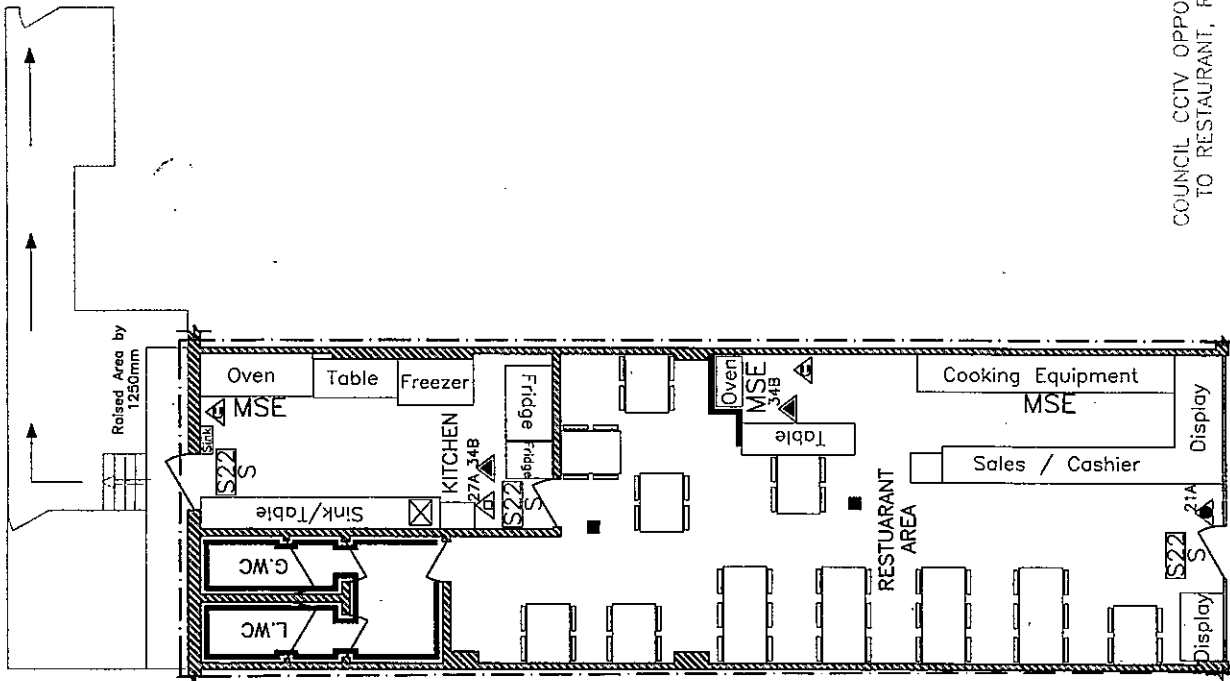
Date

Capacity

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 13)	
485 GREEN CANES MIZGIN RESTURANT HARINGAY	
Post town HARINGAY.	Postcode N4 1AJ
Telephone number (if any) 0208 340 8965.	
If you would prefer us to correspond with you by e-mail your e-mail address (optional) acmasilan@hotmail.com	

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, 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.

Fire Exit leads out to Pemberton Road



KEY

- WC AREA
- MSE MECHANICAL SMOKE EXTRACTION
- S22 S FIRE EXIT SIGN SUSPENDED ABOVE HEAD HEIGHT
- ▲21A 6LT FOAM EXTINGUISHER
- ▲27A FIRE BLANKET IN CONTAINER
- ▲34B 2KG CARBON DIOXIDE FIRE EXTINGUISHER
- ▲27A 6KG POWDER EXTINGUISHER
- ☒ SURVEILLANCE MONITOR
- CAMERA
- ▭ SEATING AREA FOR SIX PEOPLE
- ▭ SEATING AREA FOR TWO PEOPLE
- 

GROUND FLOOR PLAN

COUNCIL CCTV OPPOSITE SIDE OF THE ROAD TO RESTAURANT, ROUGHLY 50m AWAY

10 0 10 20 50 100mm NATURAL SCALE

Shop Name: <b>MIZGIN RESTAURANT</b>	Address Details: 485 GREEN LANES LONDON N4 1AJ	DATE: SEPT. 2005	SCALE: 1:1
Solicitor Name:		Address Details:	
DRAWN: Y. KALAYCI	DATE: SEPT. 2005	PROJECT: 1:1	

**APPENDIX 2**

**NOISE TEAM REPRESENTATION**



Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Eubert Malcolm  
cc: Team Leader

Our Reference: WK/000100424

Date: 27th November 2008

Premises: Mizgin Restaurant, 485 Green Lanes, Hornsey, London, N4 1AJ

Type of application: New

---

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

I wish to object to the application for a licence to operate after 23:00 hours under the prevention of Public Nuisance Objective. In my opinion the proposed operating hours are likely to cause noise and smell nuisance which will be detrimental to the residential amenity.

In addition it is my view that the operating schedule does not address the prevention of crime and disorder objective:

The proposed operating hours are inappropriate due to the close proximity of residential dwellings and the operating schedule does not address the prevention of public nuisance from:

- Noise from the extraction unit
- Cooking odour emanating from the extraction unit

The application states that Mr Kovaycin as the leaseholder intends to manage the business from 7am until 11pm. The role of Mr Cuma is to manage the business from 11pm until close. As Mr Kovaycin has had his licence revoked we have concern that Mr Kovaycin will continue to have an involvement in running the business. Mr Kovaycin has demonstrated over the years with persistent non-compliance with licensing requirements that he is not a fit and proper person to hold a licence. There is no evidence that Mr Cuma will be anything other than a front manager for Mr Kovaycin.



Background

The premises is situated in a terrace of shops with residential accommodation above. There are a number of premises that provide late night refreshment in the surrounding area.

A hearing took place on 19<sup>th</sup> September 2006 at Highgate Magistrates' Court against the decision by Haringey Council in their capacity as local licensing authority not to grant Mr Kovaycin all of his applied for hours a late night premises late night refreshment licence.

Following consideration of the evidence the Court granted the licence but limited the hours to 1am in the morning following Friday and Saturday nights and to midnight on Sundays to Thursdays.

Two further conditions were placed on the licence in relation to the extractor fan as follows:

- (i) The extract ventilation system will be upgraded and/or modified in order to dissipate the odours away from the building. This should be done in liaison with the environmental health team and a competent contractor, who is acceptable to both parties, and for both parties to agree the upgrade or modifications plans. The work will need to be completed within three months from the 19<sup>th</sup> September 2006.*
- (ii) The operation of the extract ventilation system shall also cease at the cessation of opening times.*

Mr Kovoyacin has provided no evidence that the extract ventilation system has been upgraded or modified in accordance with the Magistrates' requirements and there is evidence that the operation of the extract ventilation system has not always ceased at the cessation of opening times

The Council has initiated approximately 13 prosecutions (since 2006) against Mr Kovaycin of Mizgin Restaurant 485 Green Lanes for operating outside the terms of the premises license and for breaching the conditions of the license.

On the 9<sup>th</sup> September an appeal was heard following a decision of the Licensing Authority for the London Borough of Haringey following a review on the 16th April 2008 to revoke the premises licence in respect of The Mizgin Restaurant, 485 Green Lanes, London N4 1AJ.

Following evidence brought forward by the Enforcement Response team and a local resident the Magistrates were satisfied that the Licensing Committee at Haringey came to

the right decision in deciding that Mr Kovaycin was in breach of all the conditions of his licence and therefore through his actions was not promoting the statutory licensing objectives of crime and disorder and prevention of public nuisance.

Other supporting information

Summary of prosecutions are provided below and the table below.

<b>Date of offence</b>	<b>Offence</b>	<b>Prosecution</b>
25 <sup>th</sup> September 2005	Operating a late night café without a licence – Section 15(1)(b) of the London Local Authorities Act 1990	28 <sup>th</sup> March 2006
2 <sup>nd</sup> October 2005	As above	28 <sup>th</sup> March 2006
16 <sup>th</sup> October 2005	As above	28 <sup>th</sup> March 2006
22 <sup>nd</sup> January 2006	Using the premises as a night café without a licence – Licensing Act 2003	10 <sup>th</sup> October
25 <sup>th</sup> February 2006	As above	10 <sup>th</sup> October 2006
25 <sup>th</sup> February 2006	Dumping waste on the public highway – Sections 33 & 34 Environmental Protection Act 1990	10 <sup>th</sup> October 2006
5 <sup>th</sup> March 2006	Using the premises as a night café without a licence – Licensing Act 2003	10 <sup>th</sup> October 2006
11 <sup>th</sup> March 2006	Using the premises as a night café without a licence – Licensing Act 2003	10 <sup>th</sup> October 2006
14 <sup>th</sup> May 2006	As above	10 <sup>th</sup> October 2006
28 <sup>th</sup> May 2006	As above	10 <sup>th</sup> October 2006
24 <sup>th</sup> December 2006	Trading after permitted hours – Licensing Act 2003	4 <sup>th</sup> February 2008
13 <sup>th</sup> January 2007	As above	4 <sup>th</sup> February 2008
20 <sup>th</sup> January 2007	As above	4 <sup>th</sup> February 2008

Further proactive visits since September 2008 have taken place and the premises has been found to be closed after 23:00 hours

Complaints regarding smell nuisance and especially noise nuisance from the extractor are more likely to be received later at night e.g. after 23:00 hours

The condition that was imposed in 2006 stating that the extract system be upgraded and or modified in order to dissipate odours away from the building in liaison with the Environmental Health team and a competent contractor who is acceptable to both parties and for both parties to agree the upgrade or modification has not been complied with

We have received calls from different companies but no written proposals have been submitted and no agreement of the works have been made. No confirmation of the works being carried out has been received.

### **Informative**

In summary we recommend that the premises closes no later than 23:00 hours

However should a licence be issued we suggest consideration be given to the following conditions

#### **Deliveries and collections.**

Deliveries and collections associated with the premises will be arranged between the hours of 8am to 8pm so as to minimise the disturbance caused to the neighbours

#### **Plant and machinery**

All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise; The extract system be upgraded and or modified in order to dissipate odours away from the building in liaison with the Environmental Health team and a competent contractor be appointed who is acceptable to both parties and for both parties to agree the upgrade or modification.

#### **Prevention of Nuisance from Odour**

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour to the satisfaction of the service.

**APPENDIX 3**

**RESIDENTS REPRESENTATIONS**

# LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

P.O. Box 32109 Haringey London N4 1GN  
lcsp@blueyonder.co.uk

Ms D Barrett  
Licensing Team  
Techno park  
Ashley Rd  
London N17 9LN

6 December 2008

Dear Ms Barrett

## New Premises Licence Mizgin Restaurant, 485 Green Lanes, London N4 1AJ

The Ladder Community Safety Partnership (LCSP) is an umbrella organisation which represents Neighbourhood Watches and Residents' Associations in the 19 'Ladder' roads and along Green Lanes itself. We are writing to oppose the new application for the above premises.

As all of the attached correspondence demonstrates, this restaurant has an appalling track record, over many years, of multiple breaches, court appearances and repeated fines. The owner is now trying a new tactic to get round the law: by using the name of Mr Ates as a (joint) applicant, Mr Kovaycin is trying to ignore the restrictions which have justly been placed upon him and his restaurant.

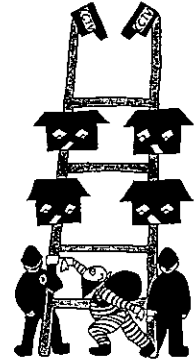
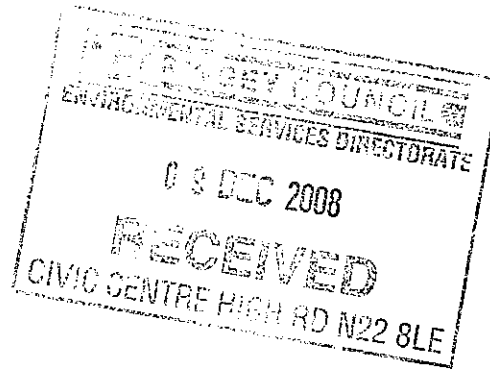
Since our letter of 30 March 2008, the Licensing Committee has had a Review Hearing at which numerous further offences and prosecutions were tabled. The outcome was to refuse the premises a late-night licence. When this was taken to appeal, the Council's decision was upheld (with costs) by the Magistrates on 9 September (copy attached)

Their decision makes it very clear that Mr Kovaycin has been in breach of his licence, and of the key licensing objectives, for at least the two-year period since his previous court appearance, on 19 September 2006.

He is now applying, in conjunction with Mr Ates, for a licence to open until 2.30am daily. This would obviously lead to a renewal of all the noise nuisance, smells, late-night dumping and disregard for the licensing law which have plagued residents for years. This is totally unacceptable.

It should be noted that no other restaurant in the vicinity has permission to remain open until 2.30am, nor does the premises have planning permission (refused by Haringey and the Planning Inspectorate) to remain open until this time.

In the light of the overwhelming body of evidence, and Mr Kovaycin's continued (joint) management of the premises, we strongly urge the Licensing Committee to refuse this



the "Ladder"

application and to continue to limit opening hours to 11pm daily, as already agreed by the Committee and by the Magistrates' Court in September.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Dip', written in a cursive style.

On behalf of the LCSP

**APPEAL AGAINST DECISION OF THE LONDON BOROUGH OF  
HARINGEY LICENSING SUB-COMMITTEE on 16th April 2008**

**MIZGIN RESTAURANT, 485 Green Lanes, London N4 1AJ**

**REASONS FOR DECISION ON 9th September 2008**

This is an appeal from a decision of the Licensing Authority for the London Borough of Haringey following a review on the 16th April 2008 to revoke the premises licence in respect of The Mizgin Restaurant, 485 Green Lanes, London N4 1AJ.

We have heard much the same evidence from what we understand as was considered by the Licensing Authority on 16th April 2008, although brought up to date by both sides in respect of the period since then.

The Licensing Committee of the council on review decided that Mr Kovaycin had breached the conditions of the licence by trading outside his allowable hours and failing to comply with the conditions imposed on the licence by the Magistrates' Court on 19th September 2006.

It is said that, in particular since the hearing on 19th September, Mr Kovaycin has committed offences and been convicted for trading after permitted hours. He has also been seen to be trading outside the hours on other occasions by council staff. Mr Kovaycin claims the council have a vendetta and denies there was any wrongdoing even though he has been convicted on some of these occasions by the Magistrates' Court. We are satisfied that Mr Kovaycin has been trading outside the hours and therefore been in breach of condition (1) on his licence.

Condition (2) on the licence also required that he upgrade and/or modify the ventilation system in order to dissipate the odours away from the building and to reduce the noise of the system. The court clearly required him to do this in conjunction with the local authority and to communicate with them before the work was done. This he has plainly failed to do and has also managed to make the situation worse by employing contractors who diverted the fume nearer to the building rather than away from the building. Therefore the nuisance that the court was concerned with in 2006 is still in existence.

To compound this it also appears that the fan is not always being turned off at the cessation of the permitted hours, either because of the illegal trading after hours or, from what Mr Kovaycin says, from his cleaning staff turning on the fan outside the hours in order to dissipate odours from the chemicals used in the cleaning. This is therefore a breach of the third condition imposed.

We are therefore satisfied the Licensing Committee at Haringey came to the right decision in deciding that Mr Kovaycin was in breach of all the conditions of his licence and therefore through his actions was not promoting the statutory licensing objectives of crime and disorder and prevention of public nuisance.

We next had to decide if the decision of the committee to revoke the licence was the appropriate remedy.

We looked at all the same options as the Committee and are in full agreement for the same reasons and therefore the only appropriate course of action for us to take today is to uphold the Committee's decision to revoke the licence. We are not satisfied that, after looking at previous events, that Mr Kovaycin would comply with any other condition or course of action that we could impose.

**9th September 2008**

#1 Jul

4

Thursday 9th October 2008

www.homseyj

## Restaurant boss warned over out of hours trading

A RESTAURANT owner who lost his late licence after more than a dozen prosecutions faces jail if he keeps trading out of hours.

The warning came after Nizamettin Kovaycin, owner of Mizgin Restaurant in Green Lanes, Haringey, lost his appeal to overturn a Haringey Council decision to revoke his late-night licence after he repeatedly traded beyond allowed hours.

The restaurant will now have to close at 11pm after the Haringey Magistrates' Court ruling and the council has pledged to check it complies.

It marks the end of a long running saga. Mr Kovaycin was arrested at an airport earlier this year after failing to attend court.

The council's licensing committee originally refused Mr Kovaycin's application for a late-night refreshment licence.

But in September 2006 he appealed and magistrates overturned the decision - but with

conditions which included upgrades to the flue extractor to stop noise and smells escaping and to ensure the restaurant shut at 1am Friday and Saturday. But since then the council has brought some 13 prosecutions against Mr Kovaycin for either operating without a licence or breaching the conditions.

It has cost the owner thousands of pounds in costs and fines.

In June, the licensing committee revoked the late licence after reports of nuisance and breaches. Mr Kovaycin appealed again last month but lost.

One witness revealed he was given no rest from the smells and the noise as the licensee traded for 24 hours - beyond what the licence allowed.

Magistrates also awarded £10,000 costs to Haringey Council.

If Mr Kovaycin is seen trading out of hours the council says it will apply for a court injunction against him, which if broken carries the risk of jail.



# people

FREE FOR THE RESIDENTS OF HARINGEY

OCTOBER 2008

## **Late opening curbed**

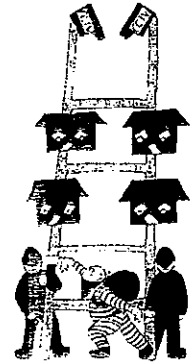
Mizgin restaurant in Green Lanes has been banned from late night trading by Highgate magistrates.

The council's licensing committee imposed the ban after neighbours reported noise and other breaches.

Owner Nizamettin Kovaycin lost his appeal and was ordered to pay £10,000 in costs.

**LADDER COMMUNITY SAFETY PARTNERSHIP** ...keeping crime off

P.O. Box 32109 Haringey London N4 1GN  
 lcsp@blueyonder.co.uk



*the "Ladder"*

Ms D Barrett  
 Licensing Team  
 Techno park  
 Ashley Rd  
 London N17 9LN

30 March 2008

Dear Ms Barrett

**Premises Review (Licensing Act 2003)**  
**Mizgin Restaurant, 485 Green Lanes, London N4 1AJ**

The Ladder Community Safety Partnership (LCSP) is an umbrella organisation which represents Neighbourhood Watches and Residents' Associations in the 19 'Ladder' roads and along Green Lanes itself. We are writing to support the actions of the Environmental Health Authority/Enforcement Response Service in seeking a review of the premises licence for Mizgin Restaurant under the terms of the Licensing Act 2003.

For many years, residents have noted the repeated breaches of permitted opening hours, the improper disposal of commercial waste, and ongoing noise nuisance from the ventilation system. The LCSP has already had occasion to write to the Licensing Sub Committee with regard to the premises (see our letter dated 18 November 2005, attached). In particular, we would draw your attention to the latter part of that letter, which outlines an extraordinary history of lack of compliance over a lengthy period. Since then, of course, there have been further, and numerous breaches as cited in the current Review Notice.

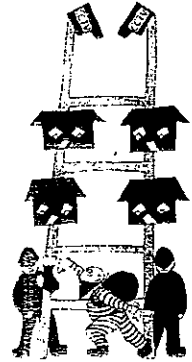
Given that multiple breaches have occurred since at least 2003 and that warnings, Court appearances and repeated fines all have no impact, the only way forward is that recommended by the Responsible Authority, namely revoking of the premises licence (the history of non-compliance makes it self-evident that any conditions imposed would not be respected). This would also seem to be the only option given that the late-night licence for this premises has already been revoked on a previous occasion (31 March 2005). This was because of 9 enforcement breaches and persistent noise nuisance: see our attached letter dated 18 November 2005, (previously referred to), Section 3f, record of Compliance.

Thank you for your consideration of these comments; we should be grateful if you would let us know the outcome of the hearing.

Yours sincerely

On behalf of the LCSP

P.O. Box 32109 Haringey London N4 1GN  
lcsp@blueyonder.co.uk



the "Ladder"

Daliah Barrett  
Environmental Control Service  
Civic Centre  
Wood Green  
London N22 8LE

18<sup>th</sup> November 2005

Dear Ms Barrett

**Late-night premises licence application: Mizgin, 485 Green Lanes, N4 1AJ**  
**Applying for 08.00- 02.00 (Sun-Thurs),08.00-03.00 (Fri-Sat)**

## 1 INTRODUCTION

The Ladder Community Safety Partnership (LCSP) contains representatives of Neighbourhood Watches and Residents' Associations from the 'Ladder' roads, adjacent to Green Lanes, Haringay. We are an independent group, although working in partnership with Haringey Council and the Metropolitan Police where appropriate.

**We are writing to you as members of the LCSP to oppose this application.**

**We believe that in the context of the well known problems in the area, granting a licence for the hours requested would be against the general principles of Haringey's Licensing Policy and specifically under the following headings:**

- **The Prevention of Crime and Disorder**
- **Public Safety**
- **Prevention of Public Nuisance**

**We are concerned that the applicant has only addressed these key issues in a very limited way in his application which could indicate a lack of understanding and/or commitment to their importance.**

**We note that, only recently, (31 March 2005) the premises was refused a Night Café Licence due to lack of compliance with various regulations and because the applicant at that time was not considered a fit and proper person to hold such a licence.**

**Finally, we believe that there are Planning Permission considerations which (if they**

have not been satisfied since the previous application) require the Committee to reject this application regardless of other considerations.

More information on why we believe the Committee should reject this application is provided under appropriate headings below.

We are particularly concerned due to problems at the premises in the recent past and its poor record of compliance in relation to these, see 3(f) below

## 2 PLANNING CONSIDERATIONS

Whereas in the past numerous premises on Green Lanes have been allowed Night Café licences despite not having Planning Permission for A3 use or the appropriate hours, under the new Licensing Policy [para 8.2] applications can no longer be accepted **without** appropriate Planning Permission.

The agenda provided for the meeting on 31 March 2005 to consider the previous application for a Night Café Licence for this premises states that planning conditions only allow trading until midnight (Sun-Thurs) and 1am (Fri-Sat). Furthermore, these conditions were decided after an appeal (from the present applicant) by the Planning Inspectorate and this specific decision can not be altered by LBH.

In this context, Haringey's Licensing Policy states '*All premises that apply for a licence must have planning permission for the intended use and hours of operation... The Licensing Authority will not consider a new application or variation of conditions ... if the hours of operation sought exceed those authorised by the planning permission.*' Similarly, National guidance states that '*planning permission should be in place before the licence application is determined.*'

## 3 REASONS FOR OBJECTING

### (a) Relevant sections of the Borough's Licensing Policy/Objectives

We believe the following statements in the Borough's Licensing Policy support our objections:

- '*the Council considers that licensing law plays a key role in both preventing and controlling ... anti-social behaviour ... by regulating and applying conditions to affect the number, location and hours of premises*' [2.4]
- '*the council will have special regard to the local impact of licensing on related crime and disorder ... particularly when concerning location, impact, operation and management of all proposed licenses, applications, renewals and variations of conditions*' [7.14]
- '*licensed premises, especially those operating late at night and in the early hours of the morning, can cause a wide range of nuisances that can impact on the people*

19<sup>th</sup> November 2008

Daliah Barrett  
Licensing Team  
Haringey Council  
Techno Park  
Ashley Road  
Tottenham  
London  
N17 9LN



**RE: Licence application "Mizgin Restaurant" Green Lanes N4**

Dear Ms Barrett,

I am writing with regards to the recent application for a new Premises Licence for the "Mizgin Restaurant" 485 Green Lanes to provide late night refreshment 23.00 to 2:00 Monday to Sunday (opening 7.00 – 2.30).

As a resident living above the establishment, I am directly affected by the fumes and noise emitted from the restaurant's ventilation duct attached to my property. This problem has been exacerbated by a long history of non-compliance of the licensed hours, since the restaurant opened in 2003. This has led to numerous warnings and successful prosecutions by the Council and the night café licence eventually being revoked on 16<sup>th</sup> April 2008, by the Licensing sub-committee, having considered carefully all other options.

As the council is aware, the owner of this establishment recently appealed against Haringey Council's decision to revoke the late night café licence. I myself was present at the court hearing on 9<sup>th</sup> September, where the magistrates found in the council's favour, rejecting the appeal. This was on a number of grounds, including the fact that the owner had ignored numerous previous warnings and prosecutions for staying open outside of his licensed hours and that work done to the extraction duct had not been completed in consultation with recognised contractors and council representatives.

This court hearing was in fact the *second* time the issue had been brought before magistrates. At the previous hearing on 19<sup>th</sup> September 2006, the Magistrates noted and sympathised with my living conditions and only granted a licence on the limited terms and conditions below:

- (1) We are content to limit the hours to 1am in the morning following Friday and Saturday nights and to midnight on Sundays to Thursdays.
- (2) We also impose a condition that the extract ventilation system be upgraded and or modified to dissipate odours away from the building. This should be done in liaison with the environmental health team and a competent contractor, who is acceptable to both parties, and for both parties to agree the upgrade or modification plans. The work needs to be completed within three months from today.
- (3) The operation of the extract ventilation system shall also cease at the cessation of the opening times.

I would also ask you to consider the recent decision made by the Planning Inspectorate on 15<sup>th</sup> July 2008, to dismiss an appeal that was made to gain extended hours for "The Mizgin" to stay open till 4am, 7 days a week. In making their decision, a site visit was made and it was noted how "the top of the flue attached to the side of the rear extension to the building appeared to be directing fumes towards the roof at the rear." (i.e. towards my kitchen, bedroom and bathroom windows). The Planning Inspectorate concludes that "any extension to the opening hours at the premises would be likely to result in harm to the living conditions of the neighbouring occupiers in terms of disturbance from noise and odours."

I note the application is being made by an "individual", although the restaurant is still actually owned and managed by Mr Kovaycin. Clearly, it is up to the council to judge whether this "joint" application for a premises licence by the restaurant owner and Mr Ates is appropriate. When reviewing this application for daily late night opening until 2am, I would ask you to seriously consider the previous court judgement of 19.09.06 which only granted opening hours till midnight and until 1am on Friday and Saturday (on conditions). I would also request that any work done to the extractor unit is completed in consultation with all parties, as noted in condition 2 above.

It is up to the Licensing committee to decide whether this application represents a willingness to abide by council and court decisions in the long term, rather than an attempt to disregard any previous decision made by the law and find a "loophole" to operate throughout the night. However, I would like to remind the council that this application comes just *two months* since the court verdict to revoke the previous licence. I would urge the council to weigh this very short period of time against the last *5 years*, during which the restaurant was open throughout the night, considerably affecting the quality of my living conditions.

Yours sincerely,



John Sharman