



NOTICE OF MEETING

Licensing Sub-Committee B

TUESDAY, 12TH OCTOBER, 2010 at 19:00 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, N22 8LE.

MEMBERS: Councillors Brabazon, Browne (Chair) and Jenks

AGENDA

1. **ELECTION OF CHAIR FOR THE DURATION OF PROCEEDINGS**
2. **APOLOGIES FOR ABSENCE**
3. **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).

4. **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.

5. MINUTES (PAGES 1 - 4)

To approve the minutes of the previous meeting of the Licensing Sub Committee B held on 10 June 2010.

6. SUMMARY OF PROCEDURE (PAGES 5 - 6)

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.

7. THE DUKE OF CAMBRIDGE (ST ANN'S WARD) (PAGES 7 - 60)

To consider an application for a review of the Duke of Cambridge (also known as the Nile).

8. NEW ITEMS OF URGENT BUSINESS

To consider any new items admitted under item 3 above.

Ken Pryor
Deputy Head of Local Democracy and Member
Services
5th Floor
River Park House
225 High Road
Wood Green
London N22 8HQ

Helen Chapman
Principal Committee Coordinator
Tel: 020-8489 2615
Fax: 020-8489 2660
Email: helen.chapman@haringey.gov.uk

Monday, 04 October 2010

MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 10 JUNE 2010

Councillors Browne (Chair), Jenks and Basu

Apologies Councillor Brabazon

MINUTE NO.	SUBJECT/DECISION	ACTION BY
LSCB01.	<p>APOLOGIES FOR ABSENCE</p> <p>Apologies for absence were received from Cllr Brabazon, for whom Cllr Basu was acting as substitute.</p>	
LSCB02.	<p>URGENT BUSINESS</p> <p>There were no items of urgent business.</p>	
LSCB03.	<p>DECLARATIONS OF INTEREST</p> <p>There were no declarations of interest.</p>	
LSCB04.	<p>SUMMARY OF PROCEDURE</p> <p>Noted.</p>	
LSCB05.	<p>EKOMAR, UNITS 2-6 TARIFF ROAD, LONDON, N17 0YX</p> <p>The Chair confirmed that the Committee had determined to proceed with the hearing in the absence of any objectors to the application.</p> <p>The Licensing Office, Ms Barrett, presented the application for a premises licence at Ekomar, as set out in the report circulated in advance of the meeting. Ms Barrett advised that the applicant accepted all the recommendations of the child protection officer and that no other representations had been made by the responsible authorities. Four letters of objection had been received from local residents, expressing concern regarding people drinking outside the premises, noise and nuisance and the impact on safety of local residents.</p> <p>In response to a question from the Committee regarding the assurances that the training requested by the child protection officer would be undertaken, Ms Barrett reported that this could be added as a condition if the licence were to be granted.</p> <p>The applicant's representative addressed the Committee and noted that the application had been submitted to all the responsible authorities, and that the police had raised no objections in response. It was noted that the premises had been operating for 12 months and currently employed 8 members of staff. An additional 3 staff members would be employed, were the application to be granted, and these would be fully trained. It</p>	

**MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 10 JUNE 2010**

was reported that the applicant had offered a condition that a Personal Licence holder would be on the premises at all times covered by the licence for the sale of alcohol. The applicant believed that the conditions offered would enable the Licensing Objectives to be upheld.

In response to a question from the Committee, the applicant reported that the hours applied for in the licence matched the current opening hours, with the exception of Friday and Saturday, when an additional hour to the existing opening hours had been applied for. It was reported that current customers of the premises were 70% cash and carry customers, and 30% retail.

In conclusion, the applicant's representative asked that the application be granted, and stated that the conditions offered would enable the Licensing Objectives to be upheld.

RESOLVED

The Committee carefully considered the application and the representations of all responsible authorities, residents and the applicant and took into account Haringey's licensing policy and section 182 of the guidance and resolved to grant the application by Mr Simon Isaac in respect of Ekomar, Units 2-6 Tariff Road, London N17 9YX.

Supply of alcohol:

Monday to Saturday	0800 to 0000
Sunday	0800 to 2300

Opening hours:

Monday to Wednesday	0800 to 0000
Thursday to Saturday	0800 to 0100
Sunday	0800 to 2300

Subject to the following conditions:

That there should be electronic till prompts at all tills to ensure that staff are reminded to check when when a sale is an alcohol sale.

To ensure that all staff are trained on the obligations of not selling to underage children and to challenge any persons appearing to be under 21, in accordance with the Challenge 21 scheme.

Two people are to be trained as personal licence holders, one of these to be on the premises at any time alcohol is being sold.

For the avoidance of doubt, the premises licence is to be granted only once the licensing authority has provided written confirmation to the applicant that it is satisfied that all the required conditions have been met to the satisfaction of the responsible authorities. The licence is subject to a review if the conditions are not met.

**MINUTES OF THE LICENSING SUB-COMMITTEE B
THURSDAY, 10 JUNE 2010**

LSCB06.	NEW ITEMS OF URGENT BUSINESS There were no items of urgent business. The meeting ended at 19:50hrs.	
----------------	--	--

CLLR DAVID BROWNE

Chair

This page is intentionally left blank

LICENSING SUB-COMMITTEE HEARINGS PROCEDURE SUMMARY	
INTRODUCTION	
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.
NON-ATTENDANCE BY PARTY OR PARTIES	
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.
TOPIC HEADINGS	
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:
	Whether the extensions of hours etc. applied for would conflict with the four licensing objectives i.e.
	(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.
WITNESSES	
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.
DOCUMENTARY EVIDENCE	
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?	
THE LICENSING OFFICER'S INTRODUCTION		
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.	
THE HEARING		
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	
CLOSING ADRESSES		
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.	
THE DECISION		
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 12th October 2010

Report title: Application for a Review of a Premises Licence at THE DUKE OF CAMBRIDGE (ALSO KNOWN AS THE NILE)

Report of: The Lead Officer Licensing

Ward(s) affected ST ANN'S

1. Purpose

To consider an application by Ranapratab Ramdonee and local residents for a review of The Duke of Cambridge (also known as the Nile).

Summary of application

- The applicants are seeking a review of the Premises Licence with reference to the licensing objectives of the Prevention of Crime and Disorder, Public Safety and Prevention of Public Nuisance.

Date review application served: 31st August 2010

In accordance with regulation 38 of the Licensing Act 2003 (Premises and Club Premises Certificates) Regulations 2005, officers arranged for notices of the review to be published for 28 days on the affected premises, on the public notice board at the Civic Centre and on the Council's website.

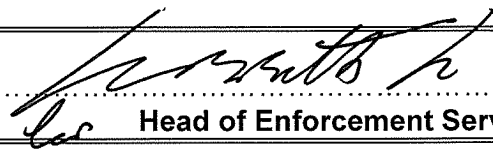
A copy of the review application and supporting documents are at appendix 1.

2. Officers Observations

In determining this application the Licensing Sub Committee must have regard to the:

- 2.1 (a) need to promote the four licensing objectives
- (b) representations
- (c) relevant sections of the statutory guidance to licensing authorities (appendix 4)
- (d) relevant sections of the licensing authority's statement of licensing policy (appendix 5)

Report authorised by: Robin Payne.....



Head of Enforcement Services

Contact Officer: Ms Daliah Barrett -Williams

Telephone: 020 8489 8232

3. 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: THE DUKE OF CAMBRIDGE

The Background Papers are located at Enforcement Service, Technopark, Ashley Road, Tottenham, London N17 9LN

This page is intentionally left blank

4. REPORT

Background

Mr Khalid Khan applied to convert the premises licence for the Duke of Cambridge and this was granted in November 2005. In August 2006 he applied to vary his Premises Licence to allow regulated entertainment and extended hours for licensable activities. This application went to a Committee Hearing and was granted with conditions in September 2006. Prior to the variation being granted warning letters were sent out to the premises for operating outside the terms and conditions of their licence.

In April 2007 a warning letter was issued to the premises for operating outside the conditions of the licence as the Fire Officer had not yet confirmed that the works required to be carried out to the premises were of a satisfactory standard to allow regulated entertainment to take place at the premises. In October 2007 another warning letter was sent to Mr Khalid Khan at the premises reminding him that he has a duty to comply with the conditions of the licence and requesting that he contact the Licensing Authority as visits to the premises found no one to be taking responsibility for the daily running of the premises.

Licensable activities authorised by the Licence:

Supply of Alcohol

Monday to Friday	1000 to 0200
Saturday	1100 to 0200
Sunday	1200 to 0200
Good Friday	1200 to 2230
Christmas Day	1200 to 1500 & 1900 to 2230

Provision of Late Night Refreshment:

Monday to Sunday	2300 to 0300
------------------	--------------

Provision of Regulated Entertainment:

Friday & Saturday	2100 to 0200
Christmas Eve	2100 to 0200

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The opening hours of the premises:

Monday to Friday	1000 to 0300
Saturday	1100 to 0300
Sunday	1200 to 0300

Good Friday	1200 to 2250
Christmas Eve	2100 to 0200
Christmas Day	1200 to 1520 & 1900 to 2250

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

The designated premises supervisor is: MR KHALID KHAN
The Premises Licence Holder is: MR KHALID KHAN

4.2 Details of the Application for Review. Appendix 1

Ranapratab Ramdonee and local residents have submitted an application for the review of a premises licence under the Prevention of Crime and Disorder objective, Public Safety objective and Prevention of Public Nuisance objective:

“This is an entertainment premises from 433-435 West Green Road with the back of the building and garden stretching into Stanley Road. This club is not conducive to a decent way of living for residents who live in Stanley Road. There have been several complaints of nuisance noise, diabolical parking by patrons frequenting the club, bad behaviour by the patrons and the scattering of rubbish along the road.

I have made some recording of the incidents on my video camera. I have informed the Leader of the Council via e-mail of this matter. Further, the Noise Enforcement Office at Haringey Council has written to me acknowledging the complaint.

At least I saw police about the premises which I believe related to disorder emanating from the club.

Finally, after concern from most residents I was asked to set up a petition which is attached with the application.

1. The premises are located in a densely populated residential area and the activities are not conducive to this area.
2. The premises, especially in summer, play loud music and provide a barbecue service in its open back garden, which is even closer to the houses. The noise emanating then becomes unbearable.
3. Patrons arrive by vehicles. This causes heavy congestion and almost incessant noise well in the early hours of the morning (usually until about 4am). Thus my car has suffered damages to the bumpers directly related to very tight parking.
4. The premises have been noted for moving about empty bottle crates well in the early hours of the morning, which is very noisy.
5. Patrons usually stand out after closure and literally shout at each other up and down Stanley Road.
6. Litter of cans and bottles has become a serious problem. There is also vomiting occasionally. On one occasion I have heard a male and female attempting sexual intercourse in the park opposite my house.
7. At least, I have noticed the presence of police due to disorder.”

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

Noise Team

Representation has been made and tabled at Appendix 2.

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 POLICY CONSIDERATIONS

Attached at Appendix 3 is the statement of the licence holder, Mr Khalid Khan.

6.1 The following provisions of the Licensing Act 2003 apply to this application: Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. revoke the license.

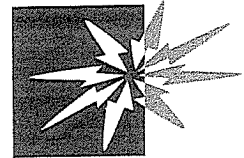
Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

- 6.2 The following provisions of the Secretary of State's guidance apply to this application: Paras 11.1 – 11.10, 11.14 – 11.21. These provisions are attached at Appendix 4.
- 6.3 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; 24.1 -24.2, 25.1 – 25.7, these provisions are attached at Appendix 5.
- 6.4 The Licensing Sub Committee is reminded that the Human Rights Act 1998 guarantees the right to a fair hearing for all parties in the determination of their civil rights. The Act also provides for the protection of property which may include licences in existence, and the protection of private and family life.

APPENDIX 1 APPLICATION FOR
REVIEW AND SUPPORTING
DOCUMENTATION

LICENSING ACT 2003
Sections 51 and 87



Haringey Council

Application for the review of a premises licence or club premises certificate under the Licensing Act 2003

Reference number:

(1)

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) IAWe RANAPRATAB RAMDONEE & THE PETITIONERS

apply for the review of a [premises licence under section 51]

[club premises certificate under section 87] of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description NILE BAR RESTAURANT 433-435 WEST GREEN ROAD LONDON	
Post town LONDON	Postcode (if known) N15 3PJ
Telephone number (if any)	

Name of premises licence holder or club holding club premises certificate (if known)
NILE BAR RESTAURANT.

Number of premises licence or club premises certificate (if known)

Part 2 - Applicant details

I am

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

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

Please tick yes ;

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

(A) DETAILS OF INDIVIDUAL APPLICANT (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 address

Post town Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town Postcode

Date of birth Day Month Year

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address

Post town

Postcode

Telephone number (if any)

E-mail address
(optional)**This application to review relates to the following licensing objective(s)**Please tick one or more boxes

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



Please state the ground(s) for review (please read guidance note 1)

- 1) The premises are located in a densely populated residential area and the activities are not conducive to this area.
- 2) The premises, especially in summer, play loud music and provide a barbecue service in its open-back garden, which is even closer to the houses. The noise emanating then becomes unbearable.
- 3) Patrons arrive by vehicles. This causes heavy congestion and almost incessant noise well in the early hours of the morning (usually until about 4am). Thus, my car has suffered damages to the bumpers directly related to very tight parking.
- 4) The premises have been noted for moving about empty bottle crates well in the early hours of the morning, which is very noisy.
- 5) Patrons usually stand out after closing and literally shout at each other up and down Stanley Road.
- 6) Litter of cans and bottles has become a serious problem. There are also vomits occasionally. On one occasion I have heard a male and female attempting sexual intercourse in the park opposite my house.
- 7) At least, I have noticed the presence of Police due to disorder.

Please provide as much information as possible to support the application

(please read guidance note 2)

The new licensee is a restaurant/club (hereinafter club) operator, running some entertainment premises from 433 to 435 West Green Road with the back of the building and garden stretching in Stanley Road.

The Club provides entertainment (food and music) to patrons that last till 3 am, according to details provided to me by the Leader of the Council. The premises are open 7 nights per week.

Please provide as much information as possible to support the application

(please read guidance note 2)

As detailed out in the opening statement, this club is not conducive to a decent way of living for residents who live in Stanley Road. There have several complaints of nuisance noise, diabolical parking by patrons frequenting the club, bad behaviour by the patrons and the scattering of rubbish along the road.

I have made some recording of the incidents on my video camera. I have informed the Leader of the Council via e-mail of this matter. Further, the Noise Enforcement Office at Haringey Council has written to me acknowledging the complaint.

At least I saw police about the premises which I believe related to disorder emanating from the club.

Please provide as much information as possible to support the application

(please read guidance note 2)

Finally, after concern from most residents I was asked to set up a petition which is attached with the application.

Please tick ✓ yes

Have you made an application for review relating to these premises before?

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to these premises, please state what they were and when you made them.

Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate
- 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 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4)
If signing on behalf of the applicant please state in what capacity.

Signature  _____

Date 27.08.2010

Capacity RESIDENT.

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

A PETITION

P2

To

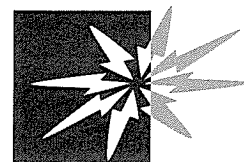
HARINGEY COUNCIL

TO DO THE FOLLOWING:

TAKE ALL NECESSARY ACTIONS TO CONTROL, REDUCE AND ELIMINATE THE DISORDER, INVOLVING VERY LOUD NOISE, PARKING OF VEHICLES AND GENERAL BAD BEHAVIOURS THAT TAKE PLACE DURING THE NIGHT ABOUT THE PUBLIC HOUSE CALLED ^{OR THE NILE} 'THE DUKE', AT THE JUNCTION OF STANLEY ROAD AND WEST GREEN ROAD.

NAME	ADDRESS	SIGNATURE	DATE
R. RAMDONNEE	37 Stanley Road.		31.7.10
T. RAMDONNEE	37 Stanley Rd		31.7.10
R. S. RAMDONNEE	37 Stanley Rd	RSR	31.7.10
A Butler	43 Stanley Rd.		31.7.10
	43 Stanley Rd	R. BUTLER	"
J. Engdjan	45 Stanley Road		"
P HARROP	51, Stanley Rd		"
R. Tofferos	57, STANLEY Rd.	R. Tofferos	31.7.10
A COLEMAN	55 STANLEY RD		31/7/10
B. MAHABIR	33, STANLEY Road		31/7/10
H. MAHABIR	33 Stanley Rd	H. Mahabir	31/7/10
A. MAHABIR	33 STANLEY RD		31/7/10
F. PUTTYRAT	17 STANLEY RD		31/07/10
N. Putterrat	17 Stanley Rd		31/07/10
Sangida	15 Stanley Road		31/7/10
MURAT	13 STANLEY ROAD		31/07/10
Liam MURPHY	FLAT B, 1, STANLEY RD, N15 3AB		31/7/10
BRIAN HOOD	441 WEST GRN ROAD		1-8-10
WATSON	St, Stanley Rd		1/8/10

Notice of Application for the review of a Premises Licence



Haringey Council

Notice is given that application has been made to the Licensing Authority for a review of the premises license under s.51 and 87 of the Licensing Act 2003 in respect of the following premises:

**DUKE OF CAMBRIDGE (ALSO KNOWN AS THE NILE)
433-435 WEST GREEN ROAD
TOTTENHAM
LONDON N15 3PL**

The application for review has been made on the following grounds:

**THE OPERATION OF THE PREMISES HAVE FAILED TO UPHOLD THE
LICENSING OBJECTIVES OF:**

- **THE PREVENTION OF CRIME AND DISORDER**
- **PUBLIC SAFETY**
- **THE PREVENTION OF PUBLIC NUISANCE**

Interested parties or responsible authorities wishing to make representations must give notice in writing to:

**Lead Officer –Licensing, Haringey Council, Unit 271, Technopark,
Ashley Road, Tottenham, London N17 9LN**

By: 27th September 2010

The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Unit 271, Technopark, Ashley Road, Tottenham, London N17 9LN between the hours of 10.00am and 4.00pm.

**IT IS AN OFFENCE LIABLE ON CONVICTION TO A FINE UP TO LEVEL
5 ON THE STANDARD SCALE (£5000), UNDER SECTION 158 OF THE
LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN
CONNECTION WITH THIS APPLICATION**



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

LICENSING ACT 2003
Section 24

PREMISES LICENCE

Receipt: AG766713

Premises Licence Number: LN00002148

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Civic Centre, High Road, Wood Green,
London, N22 8LE**

Signature:

Date: 24TH November 2005

Part 1 – PREMISES DETAILS

Postal Address of Premises or, if none, Ordnance Survey map reference or description:

**DUKE OF CAMBRIDGE
433/435 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 3PL**

Telephone: 020 8888 4669

Where the Licence is time limited, the dates:

Not Applicable.

Licensable activities authorised by the Licence:

Supply of Alcohol

Provision of Late Night Refreshment

Provision of Regulated Entertainment: Recorded Music, Provision of Facilities for Making Music and Dancing

The times the Licence authorises the carrying out of licensable activities:

Supply of Alcohol

Monday to Friday 1000 to 0200

Saturday 1100 to 0200

Sunday 1200 to 0200

Good Friday 1200 to 2230

Christmas Day 1200 to 1500 & 1900 to 2230

LICENSING ACT 2003

Section 24

Provision of Late Night Refreshment:

Monday to Sunday 2300 to 0300

Provision of Regulated Entertainment:

Friday & Saturday 2100 to 0200

Christmas Eve 2100 to 0200

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

LICENSING ACT 2003

Sec 24

The opening hours of the premises:

Monday to Friday	1000 to 0300
Saturday	1100 to 0300
Sunday	1200 to 0300
Good Friday	1200 to 2250
Christmas Eve	2100 to 0200
Christmas Day	1200 to 1520 & 1900 to 2250

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January.

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

Supply of alcohol for consumption both **ON** & **OFF** the premises.

Part 2

Name, (registered) address, telephone number and e-mail (where relevant) of holder of Premises Licence:

Mr Khalid Khan
35 Glenhurst Road
North Finchley, London
N12 9UB
Telephone: 079701 62508

Registered number of holder, for example company number, charity number (where applicable):

Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

Mr Khalid Khan
35 Glenhurst Road
North Finchley, London
N12 9UB
Telephone: 079701 62508

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

O1SX/WK/200509746

Issued by London Borough of Barnet

Expires: 14th September 2015

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Door supervision

At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

Provisions of all Licensing Acts will apply.

THE PREVENTION OF CRIME AND DISORDER

Premises to be run in accordance with current Licensing Acts, particularly with regard to sales to persons under the influence.

A digital Closed Circuit Television System will be installed and maintained in the premises. The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the Police and Council on request.

A minimum of two SIA approved door supervisors will be employed on the premises between 2100 hours and the closing of the premises on Friday, Saturday, Christmas Eve and New Years Eve and at all pre-booked events.

The management will inform the Police and Local Authority of the name of the promoters and artists who will be performing at any function at the premises with 14 days notice of the events.

The Designated Premises Supervisor will be an active member of Pub Watch and will attend meetings on a regular basis.

PUBLIC SAFETY

The premises will comply with the statutory requirements.

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

The work required by the Fire Officer in the Schedule reference 31/012685 will be completed to the satisfaction of the Fire Officer. The variation will only come into effect after this has been completed and until such time none of the licensable activities requested may be carried out.

THE PREVENTION OF PUBLIC NUISANCE

Appropriate steps will be taken to deal with any and all instances of public nuisance which may arise, particularly those involving noise disturbances.

A sound limiter will be installed on the premises, the limits of which will be agreed in conjunction with the Council and residential properties.

Signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours.

Staff will call Taxis/Mini cabs for the use of customers leaving the premises when requested to do so.

THE PROTECTION OF CHILDREN

Strict controls will apply regarding the sale of tobacco and/or alcohol to underage persons. Premises will operate a strict ID policy.

No children under the age of 18 will be admitted to the premises after 2100 hours on Fridays, Saturdays, Christmas Eve and New Years Eve and the age will be checked at the door by requesting photographic identification where there is any doubt that they are over the age of 18.

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.

Annex 3 – Conditions attached after a hearing by the licensing authority

A sound limiter will be installed on the premises, the limits of which will be agreed in conjunction with the Council and residential properties.

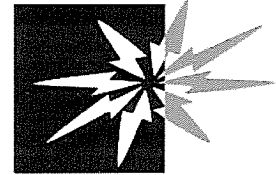
All works identified by the Fire Officer must be carried to the satisfaction of the Fire Officer prior to the commencement of regulated entertainment.

Annex 4 – Plans

LODGED WITH LICENSING AUTHORITY

This page is intentionally left blank

APPENDIX 2 COMMENTS OF
ENFORCEMENT REPOSE (NOISE)
TEAM



Haringey Council

Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Mark Eastwood

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK170624

Date: 24th September 2010

Nile Bar Restaurant aka Duke of Cambridge, 433-435 West Green Road, N15 3PJ

Review of a Premises Licence

With regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team I would like to make representations to the Review

The current licence does not adequately address areas of concern and therefore I invite the committee to consider (in addition to any other action) adding further conditions to the licence as related to the following matters detailed below:

- Noise from plant and machinery
- Light nuisance
- Cooking odour
- Prevention of nuisance from noise / vibration
- Patrons entering/exiting premises.
- Dealing with complaints
- Outside Areas
- Sound Limits

Supporting Information

The Designated Premises Supervisor is required (as one of the existing conditions) to regularly attend Pub Watch meetings and we understand that this is not being complied with.

A sound limiter device should be installed (as one of the existing conditions) and the DPS is required to contact the Council in order to arrange for levels to be set. The equipment in place at the present time includes an amplifier which has been modified in such a way that levels can not easily be altered but it does not strictly comply with the existing condition

A number of complaints have been received relating noise from people outside the frontage of the premises in West Green Road.

We recommend that persons using the frontage be asked to come into the premises from 23:00hrs, but we invite the committee to determine if any other restriction should be placed on the numbers of persons using that area prior to 23:00hrs.

There is residential accommodation above the pub and above shop premises across the street

The Enforcement Response (noise) team have received noise nuisance complaints concerning loud music coming from the premises concerned, and served a warning letter on 2nd May 2007.

Further noise nuisance (loud music) was witnessed as following a complaint and a Noise Abatement Notice was served on the licensee in June 2007.

Further noise nuisance was witnessed in November 2007, which was deemed to be a contravention of the Noise Abatement Notice and a Simple Caution was accepted by the Premises License Holder in July 2008 for these offences. This also related to having regulated entertainment outside of the hours permitted by the License

The status of the Noise Abatement Notice is that it is deemed to have been complied with having regard to the time which has now elapsed since service of the notice and also having regard to the lower number of complaints and no noise nuisance being witnessed in the past 12 months

There have been fewer complaints received about noise in the past year and only one complaint was received whilst the officers were on duty and able to visit. Other enquiries have been made to the team after the event where advice has been offered

In the table below a representative sample of complaints indicates some of the problems of noise in previous years

Date Reported	Subject	Observations	Outcome	Our Ref:
29.07.10	Loud noise from pub patrons leaving	Nuisance not established - a few people still leaving no noise.	No action	WK163831
25.04.09	BBQ and patrons using rear garden of pub.	Rear garden unsuitable for use as a BBQ or for customer access	Advice given	WK117772
22.07.10	Daytime call from resident complaining constant noise, fighting, and disruption	Resident advised to call out of hours number when noise is happening	Advice given	WK164550
06.09.08	Loud Music	Visited - advised to reduce the level of music , which was reduced and stayed reduced	Advice given	WK89335
01.09.08	Problems with patrons leaving premises	Resident advised to call out of hours number when noise is happening	Advice given	WK88598

	noisily - shouting & smashing bottles etc.			
28.04.08	Loud music	Spoke to complainant, who informed me music gone down, since he spoke to landlord re music levels, and informing him he has called us.	No action	WK72977
20.11.07	Loud music	loud music from the pub, intrusive and a nuisance in complainant's flat	Offence reported	WK55321
14.11.07	Loud music	loud music from the pub, intrusive and a nuisance in complainant's flat	Offence reported	WK54507
13.11.07	Loud music	Resident advised to call out of hours number when noise is happening	Advice given	WK54488
28.10.07	Loud music	music from Duke of Cambridge clearly audible from across street but unable to establish nuisance	Advice given	WK52482
13.05.07	Loud music	Loud music witnessed – action taken and level of music reduced	Notice issued	WK34517
02.05.07	Loud music	Loud music witnessed – action taken and level of music reduced	Warning letter issued	WK30247

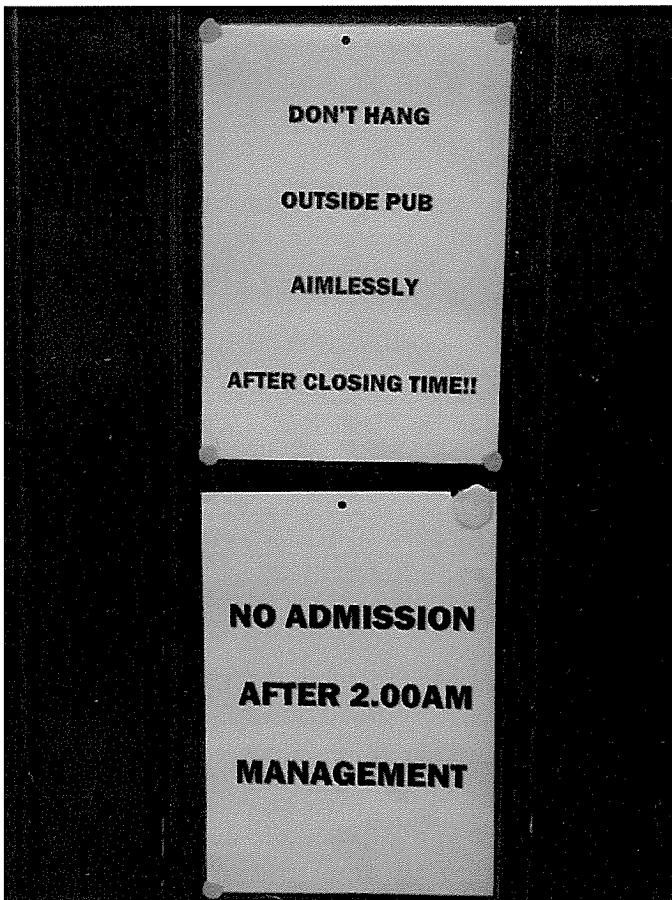
Front of premises on West Green Road N15 3PL



Side of premises on Stanley Road N15



View from West Green Road



Notices attached to the inside of the front entrance door.



Notices to the left of the front entrance door.



Sign in a window in side of premises in Stanley Road.

It is not known when any of these signs were first displayed. The DPS at the premises informed me that they had been up for quite some time.

It is likely that the committee may impose conditions which clarify the exact nature of the notices

We invite the committee to consider the following additional conditions / clarification of existing conditions to be added to the licence in order to minimise any possible nuisance in the future:

Prevention of nuisance from noise / vibration

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas

Entry to the premises will be restricted to the main front door in West Green Road whilst the premises is being used for regulated entertainment licensed activity

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property

All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager

The level of amplified regulated entertainment shall be controlled by means of limiting device set at a level which upon request may be agreed with the Noise Enforcement Officer / Licensing authority

Outside Areas

No music will be played in, or for the benefit of patrons in external areas of the premises

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

Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

The external area /frontage will be closed and patrons requested to come inside the main structure of the premises at 23:00hrs

Empty bottles and non-degradable refuse will remain in the premises at the end of 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

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

Dealing with complaints

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 complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers

Patrons entering/exiting premises.

Where people queue to enter the premises licensed door supervisors shall supervise and ensure that potential patrons behave in an acceptable manner

When the premises turn out a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours

A licensed door supervisor will be positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave with drinks

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

Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

Any Security lights will be positioned to minimise light intrusion to nearby residential premises

ced TR13/06/07

HARINGEY COUNCIL
Urban Environment

EPA90.Sec.80N/MV

Environmental Protection Act 1990 - part III

Statutory nuisance - Abatement notice

To: Mr Khalid Khan

at: 35 Glenhurst Road, North Finchley, London, N12 9UB

The Owner of the premises in the Borough of Haringey known as
Duke of Cambridge, 433-435 West Green Road, Tottenham, London, N15 3PJ

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 exists, or is likely to recur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH a recurrence of the nuisance and for that purpose requires you to:

Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See notes attached].

AND FURTHER TAKE NOTICE that in the opinion of the Local Authority the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect **AND THEREFORE** this Notice shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court. The maximum penalty for failure to comply with this Notice is **£5,000** (£20,000 in the case of industrial, trade or business premises) plus a further **£500** for each day on which the offence continues after conviction.

Dated: 8th June 2007

Our Ref: ES/ENF/NT/WK/000034525

ADDRESS (To which any communication

regarding this Notice may be sent):-

The Assistant Director,
Enforcement Service,
Environmental Services,
639 High Road,
LONDON, N17 8BD

Telephone: 0845 0550921

Robin Payne

.....
for Robin Payne, being the Officer appointed for
this purpose

This matter is being dealt with by:

Noise Team

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No. 2644)

Dated November 8, 1995, made by the Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by paragraph 1(4) of Schedule 3 to the Environmental Protection Act 1990 and of all other powers enabling them in that behalf.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.
(2) In these Regulations

'the 1974 Act' means the Control of Pollution Act 1974;
'the 1990 Act' means the Environmental Protection Act 1990; and
'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

Appeals under Section 80(3) or the 1990 Act

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to Magistrates) against an Abatement Notice served upon him by a Local Authority.
- (2) The grounds on which a person served with such a Notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case
- (a) that the Abatement Notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
- (b) that there has been some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Abatement Notice served under Section 80A(3) (certain Notices in respect of vehicles, machinery or equipment);
- (c) that the Authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the Abatement Notice are otherwise unreasonable in character or extent, or are unnecessary;
- (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the Abatement Notice are to be complied with is not reasonably sufficient for the purpose;
- (e) where the nuisance to which the Notice relates
- (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, OR
- (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, OR
- (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
- (f) that the best practicable means were used to prevent, or to counteract the effects of, the nuisance:
- that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of
- (i) any Notice served under Section 60 or 66 of the 1974 Act (Control of Noise on Construction Sites and from Certain Premises) OR
- (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on Construction Sites and consent for noise to exceed registered level in a noise abatement zone), OR
- (iii) any determination made under Section 67 of the 1974 Act (Noise Control of New Buildings);
- (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
- (h) that the Abatement Notice should have been served on some person instead of the appellant, being
- (i) the person responsible for the nuisance, OR
- (ii) the person responsible for the vehicle, machinery or equipment, OR
- (iii) in the case of nuisance arising from any defect of a structural character, the owner of the premises, OR
- (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner of occupier of the premises;
- (i) that the Abatement Notice might lawfully have been served on some person instead of the appellant being
- (i) in the case where the appellant is the owner of the premises, the occupier of the premises, OR
- (ii) in the case where the appellant is the occupier of the premises, the owner of the premises;
- and that it would have been equitable for it to have been so served;
- (j) that the Abatement Notice might lawfully have been served on some person in addition to the appellant, being
- (i) a person also responsible for the nuisance, OR
- (ii) a person who is also owner of the premises, OR
- (iii) a person who is also an occupier of the premises, OR
- (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
- and that it would have been equitable for it to have been so served.
- (3) If and so far as appeal is based on the ground of some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Notice served under Section 80A(3), the Court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
- (4) Where the grounds upon which an Appeal is brought include a ground specified in paragraph (2)(f) or (j) above, the appellant shall serve a copy of his Notice of Appeal on any other person referred to, and in the case of any Appeal to which these Regulations apply he may serve a copy of his Notice of Appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
- (5) On the Hearing of the appeal the Court may
- (a) quash the Abatement Notice to which the Appeal relates, OR
- (b) vary the Abatement Notice in favour of the appellant in such manner as it thinks fit, OR
- (c) dismiss the Appeal;
- and an Abatement Notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.
- (6) Subject to paragraph (7) below on the Hearing of Appeal the Court may make such order as it thinks fit
- (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, OR
- (b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
- (7) In exercising its powers under paragraph (6) above the Court
- (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
- (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the Notice of Appeal in pursuance of paragraph (4) above.

Suspension Of Notice

3. (1) Where
- (a) an Appeal is brought against an Abatement Notice served under Section 80 or Section 80A of the 1990 Act, and
- (b) either
- (i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of the works before the Hearing of the Appeal, OR
- (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the Abatement Notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
- (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met, the Abatement Notice shall be suspended until the Appeal has been abandoned or decided by the Court.
- (2) This paragraph applies where
- (a) the nuisance to which the Abatement Notice relates
- (i) is injurious to health, OR
- (ii) is likely to be of a limited duration such that suspension of the Notice would render it of no practical effect, OR
- (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
- (3) Where paragraph (2) applies the Abatement Notice
- (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court and
- (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Revocations

4. The Statutory Nuisance (Appeals) Regulations 1990 and the Statutory Nuisance (Appeals) Amendment Regulations 1990 are hereby revoked.

HARINGEY COUNCIL

Urban Environment

Enforcement Service
Noise Team
639 High Road
Tottenham
London N17 8BD

Our Ref: UE/ENF/NT/WK 30247

Tel: 0845 0550921
Fax: 020 8489 5113

Date: 2/5/07

For a large print or translated copy call 0845 0550921

Environmental Protection Act 1990 - Section 79 & 80 Noise Nuisance

Address: THE "JURIS" AH. 433-435, WEST CROSS ROAD, LONDON, N17

You have received this letter because a Haringey Council Noise Enforcement officer has witnessed noise from your premises.

The Council has a duty to investigate complaints received regarding disturbance caused by noise.

Investigation, in response to a complaint, carried out on 1/5/07 at 23.50 hours confirmed that the noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities.

However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe (statutory) noise nuisance. The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises).

I hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.

From Bowate

Noise team

Director Niall Bolger
Assistant Director Enforcement
Robin Payne



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

Neighbour Noise

Noise can cause disruption and distress to people at home, at leisure and at work.

Noise related complaints that we investigate include music, voices, TV, Do It Yourself (DIY) & barking dogs.

You may not be aware you are causing noise to those near you!

Common causes of annoyance to neighbours and practical steps that can be taken to minimise it include;

Music & TV etc

It is important to ensure that you monitor the volume at which you listen to equipment so as to prevent disturbance to neighbours. Powerful music equipment and televisions can cause a lot of distress to neighbours.

To avoid causing a nuisance:

- Keep the volume down
- Place speakers away from partition walls, floors and ceilings
- Consider wearing headphones, especially late at night

DIY

Everyone at some point needs to have work done around the house, and by its nature, DIY can be a loud activity. Carry out noisy work at times when it is unlikely to disturb neighbours, such as during the day or earlier in the evening, leaving quieter work until later.

It may be a good idea to warn neighbours in advance.

Dog owners: constant barking can be avoided

Barking comes naturally to dogs, but constant barking or whining of a dog can be very disturbing or annoying for neighbours. Often this problem occurs when the dog owner is out of the house and does not realise that someone has complained. A barking dog can become a noise nuisance for which an abatement notice may be served.

Laminate / Stripped Flooring

Anyone who is planning to fit laminate or have stripped wooden flooring should be aware of the likely effect the use of these floors will have on neighbours, particularly in flats.

The impact noise from items being dropped, children playing or even just walking on the floor with outdoor shoes can be very annoying for those below.

Care must also be taken in fitting laminate or having stripped wooden flooring. If laminate is nailed down on top of an existing floor it may create areas of acoustic weakness which allow noise to transmit through the floor.

Between flats, sound insulation can be fitted to minimise transmission of noise but this can be costly.

ced MCB/06/07

HARINGEY COUNCIL
Urban Environment

EPA90.Sec.80N/MV

Environmental Protection Act 1990 - part III

Statutory nuisance - Abatement notice

To: Mr Khalid Khan

at: 35 Glenhurst Road, North Finchley, London, N12 9UB

The Owner of the premises in the Borough of Haringey known as
Duke of Cambridge, 433-435 West Green Road, Tottenham, London, N15 3PJ

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 exists, or is likely to recur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH a recurrence of the nuisance and for that purpose requires you to:

Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See notes attached].

AND FURTHER TAKE NOTICE that in the opinion of the Local Authority the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect **AND THEREFORE** this Notice shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court. The maximum penalty for failure to comply with this Notice is **£5,000 (£20,000** in the case of industrial, trade or business premises) plus a further **£500** for each day on which the offence continues after conviction.

Dated: 8th June 2007

Our Ref: ES/ENF/NT/WK/000034525

ADDRESS (To which any communication

regarding this Notice may be sent):-

The Assistant Director,
Enforcement Service,
Environmental Services,
639 High Road,
LONDON, N17 8BD

Telephone: 0845 0550921

.....
for **Robin Payne**, being the Officer appointed for this purpose

This matter is being dealt with by:

Noise Team

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No. 2644)

Dated November 8, 1995, made by the Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by paragraph 1(4) of Schedule 3 to the Environmental Protection Act 1990 and of all other powers enabling them in that behalf.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.
 (2) In these Regulations
 'the 1974 Act' means the Control of Pollution Act 1974;
 'the 1990 Act' means the Environmental Protection Act 1990; and
 'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

Appeals under Section 80(3) of the 1990 Act

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to Magistrates) against an Abatement Notice served upon him by a Local Authority.
 (2) The grounds on which a person served with such a Notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case _____
 (a) that the Abatement Notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);
 (b) that there has been some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Abatement Notice served under Section 80A(3) (certain Notices in respect of vehicles, machinery or equipment);
 (c) that the Authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the Abatement Notice are otherwise unreasonable in character or extent, or are unnecessary;
 (d) that the time, or where more than one time is specified, any of the times, within which the requirements of the Abatement Notice are to be complied with is not reasonably sufficient for the purpose;
 (e) where the nuisance to which the Notice relates _____
 (i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, OR
 (ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, OR
 (iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.
 (f) that the best practicable means were used to prevent, or to counteract the effects of, the nuisance:
 that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of _____
 (i) any Notice served under Section 60 or 66 of the 1974 Act (Control of Noise on Construction Sites and from Certain Premises) OR
 (ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on Construction Sites and consent for noise to exceed registered level in a noise abatement zone), OR
 (iii) any determination made under Section 67 of the 1974 Act (Noise Control of New Buildings);
 (g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous than the requirements for the time being in force, in relation to the noise to which the Notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);
 (h) that the Abatement Notice should have been served on some person instead of the appellant, being _____
 (i) the person responsible for the nuisance, OR
 (ii) the person responsible for the vehicle, machinery or equipment, OR
 (iii) in the case of nuisance arising from any defect of a structural character, the owner of the premises, OR
 (iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner of occupier of the premises;
 (i) that the Abatement Notice might lawfully have been served on some person instead of the appellant being _____
 (i) in the case where the appellant is the owner of the premises, the occupier of the premises, OR
 (ii) in the case where the appellant is the occupier of the premises, the owner of the premises;
 and that it would have been equitable for it to have been so served;
 (j) that the Abatement Notice might lawfully have been served on some person in addition to the appellant, being _____
 (i) a person also responsible for the nuisance, OR
 (ii) a person who is also owner of the premises, OR
 (iii) a person who is also an occupier of the premises, OR
 (iv) a person who is also the person responsible for the vehicle, machinery or equipment,
 and that it would have been equitable for it to have been so served.
 (3) If and so far as appeal is based on the ground of some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Notice served under Section 80A(3), the Court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.
 (4) Where the grounds upon which an Appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his Notice of Appeal on any other person referred to, and in the case of any Appeal to which these Regulations apply he may serve a copy of his Notice of Appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.
 (5) On the Hearing of the appeal the Court may _____
 (a) quash the Abatement Notice to which the Appeal relates, OR
 (b) vary the Abatement Notice in favour of the appellant in such manner as it thinks fit, OR
 (c) dismiss the Appeal;
 and an Abatement Notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.
 (6) Subject to paragraph (7) below on the Hearing of Appeal the Court may make such order as it thinks fit
 (a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, OR
 (b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.
 (7) In exercising its powers under paragraph (6) above the Court _____
 (a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and
 (b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the Notice of Appeal in pursuance of paragraph (4) above.

Suspension Of Notice

3. (1) Where _____
 (a) an Appeal is brought against an Abatement Notice served under Section 80 or Section 80A of the 1990 Act, and _____
 (b) either _____
 (i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of the works before the Hearing of the Appeal, OR
 (ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the Abatement Notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and
 (c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,
 the Abatement Notice shall be suspended until the Appeal has been abandoned or decided by the Court.
 (2) This paragraph applies where _____
 (a) the nuisance to which the Abatement Notice relates _____
 (i) is injurious to health, OR
 (ii) is likely to be of a limited duration such that suspension of the Notice would render it of no practical effect, OR
 (b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.
 (3) Where paragraph (2) applies the Abatement Notice _____
 (a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court and
 (b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Revocations

4. The Statutory Nuisance (Appeals) Regulations 1990 and the Statutory Nuisance (Appeals) Amendment Regulations 1990 are hereby revoked.

APPENDIX 3 STATEMENT OF PREMISES LICENCE HOLDER

Olson Kendra

From: karl kahn [karl31b@yahoo.co.uk]
Sent: 30 September 2010 07:41
To: Barrett Daliah
Cc: Barrett Daliah
Subject: re 435 West Green Road N15
Attachments: Statement Karl Khan.docx

**Haringey Council
Licensing Team
Technopark, Ashley Road
Tottenham
London N17 9LN**

PREMISE LICENCE REVIEW APPLICATION

BETWEEN:-

Mr Ranapratap Ramdonee

Applicant

-and-

Mr Khalid Khan T/A The Duke of Cambridge Public House

Respondent

**Statement of Mr Khalid Khan
(Licencee)**

I Khalid Khan of 35 Glenhurst Road London N12 9UB will say as follows:

Background

I am the current licensee of the premises known as 'The Duke of Cambridge' Public House which is located at 433-435 West Green Road, Tottenham, London N15 3PL.

I have held the licence in my name continuously since April 1997.

The premises are located on West Green Road which is also known as the A504. West Green Road is a very busy road which links the Seven Sisters and Turnpike Lane areas. There are a number of buses which run on West Green Road 41, 67, 230 and W4.

West Green Road is also the location of a large number of licensed premises including off-licences and restaurants as well as other public houses. There is also a number of what are commonly known as social clubs located in west green road. A public house known as 'The Goat' is located 150 yards to the east of our location. And another public house known as 'The Green Gate' is located 300 yards to the east of our location.

The premises was built circa 1890 and has been used as a public house continuously ever since.

Given this background the main road shopping parade location of 'The Duke of Cambridge' in West Green Road cannot be described as a residential area. Rather it is an urban area.

The premises occupy a fully detached building.

Our nearest neighbouring premises are an old people's home known as 'The Red House' which is located at 423 West Green Road and is located to the rear of our premises. And a church known as the 'Derby Hall Christian Assembly' which is located at 425-431 West Green Road which is directly to the east of 'The Duke of Cambridge'.

Neither of these establishments have supported his application nor have they ever complained to the council during the 13 years I have been the licensee of the 'The Duke of Cambridge'.

Across the road there is a West Indian restaurant and an off licence as well as a number of Turkish and Kurdish social clubs. Immediately to the west of the premises are a motor repair garage and a hairdressers and a kebab shop.

Public Nuisance

The premises are professionally soundproofed with rubber foam cavity insulation which has a sound insulation rating of 56 decibels. The premises also have an air conditioning system fitted. Therefore even in the summer there is no need to open the doors. None of the premises windows open except for in the toilets. The music equipment which is used for entertainment at the weekends is fitted with a sound limiter. Therefore I believe every step has been taken to avoid sound pollution emanating from the premises.

I do accept that during 13 years of trade I have had some visits from the noise abatement team. However, I believe the number of visits following a complaint has been very few. Indeed I would say during 13 years I have been visited less than 5 times following a complaint about excess noise.

My premises are generally frequented by local people who generally live close to the premises. The demographic of my clients tends to be middle aged people aged between 30-50. I therefore avoid the usual problems associated with pubs serving teenagers and underage drinkers. My premises have NEVER been involved in any violent incidents or drug related incidents.

Allegations

With regards to the specific issues listed by Mr Ramdonee on his application I can address some of these as follows:

Mr Ramdonee alleges a noise disturbance. However during my 13 years in charge there is no record of him personally phoning or writing to the noise abatement team. He lives 300 yards away and our council and police record speaks for itself.

The applicant makes a complaint about people driving near his house and doing U Turns and slamming doors. As is required by law I employ SIA registered door supervisors who ensure that customers in our premises and leaving our premises do so without creating a disturbance. The company which I use is called D.N.I. Security Limited who I believe to be authorised by the SIA.

To my knowledge most of my patrons walk. Certainly drinking and driving is illegal. And there is a minicab office known as 'West Green Cars' situated only about 50 yards from the pub and the pub is also served by a number of buses.

I can comment on Mr Ramdonee's specific allegation that his car has been damaged.

I do not believe that the incident (if true) was caused by a customer of mine. And I believe if Mr Ramdonee's car was damaged he should have reported the matter to the police or at the very least his insurance company.

Litter

I have a waste collection contract with Haringey Accord and indeed have during my 13 years always had a large wheelie bin which is collected and emptied by the council once a week. The applicant alleges that rubbish is being dumped by myself or my staff. This is totally untrue. Mr Charlie Oseneike the Haringey street enforcement officer has indeed visited the premises on a number of occasions as I believe is routine. During his visits he found no evidence that I or my staff had dumped any litter. I therefore totally refute Mr Ramdonee's allegation regarding litter.

Anti Social Behaviour

Mr Ramdonee makes an allegation of people vomiting outside his house and also a male and female having sexual intercourse. Clearly this can be regarded as anti social behaviour. However, I refute any connection between these alleged incidents and 'The Duke of Cambridge.'

There are so many other premises including restaurants and social clubs and bars located close to mine that the people responsible for the anti social behaviour could have been from anywhere. I cannot accept blame for ANY anti social behaviour that may occur in the West Green Road area or specifically outside Mr Ramdonee's door which is 300 yards away from my premises.

The Applicant

Mr Ramdonee the applicant has lived in his current home, which is located 300 yards away from the premises, for 28 years. During the 13 years I have been the licensee of 'The Duke of Cambridge' Mr Ramdonee has never complained to either the Haringey council or the police or any other body regarding 'The Duke of Cambridge'.

Coincidentally during the time Mr Ramdonee has lodged complaints against other premises including one recently against the 'Derby Hall Christian Assembly' also located on West Green Road near our premises.

I was indeed very surprised that Mr. Ramdonee had lodged this application for my licence to be reviewed and possibly revoked because during my 13 years at the premises he has never complained directly to me or my staff about any issues. Indeed every time my licence was previously renewed Mr Ramdonee did not come forward to oppose or even comment. Therefore I was somewhat shocked and surprised by his application

However, whilst I fully respect his right to lodge the application I do believe much of his allegations to be without substance and wildly exaggerated.

Community Issues

Many local customers have for many years relied upon visiting the premises in the certainty of being in a safe and responsible establishment. We have many local groups including charities, 'stop the war' and trade unions that use the pub as a meeting place. We have occasional afternoon meetings. The loss of licence and closure of the pub will mean in many cases there is no alternative venue supplier within the vicinity. The premises have often been used for birthdays and weddings as well as funerals.

Our premises comply with all health and safety regulations and also has a digital CCTV system for the protection of all customers and staff.

Responsible Management

As I believe I am a responsible landlord and a good neighbour I frequently work together with the local community and police whenever requested to do so.

I believe I run my premises properly and abide by ALL the planning and licensing requirements. I also believe I am a good licensee and indeed have no criminal record nor do I have any licensing convictions. During my 13 years as licensee I have very few of the normal problems that affect pubs. As everyone is aware many inner city urban pubs have problems with underage drinking, drug taking and violent incidents. During my 13 years my premises has had NONE of these problems. I sincerely believe I have a good record as a licensee.

If the Licensing Sub Committee decided there is indeed an ongoing problem I would be happy to meet with the applicant to find a solution. However, I believe that the review of my licence with the potentially disastrous consequences is a huge overkill. Potentially my livelihood and the employment of several members of staff is threatened. My premises are a friendly community pub in a challenging area. And I do not accept the allegations made by the applicant to be an accurate representation of my stewardship of my premise over the last 13 years.

Planning Blight

Should the business located at 'The Duke of Cambridge' be forced to close I believe this will have some damaging consequences for the community. The pub is a well known and well established organ of the local community. Should it close there is no guarantee that the premises will ever reopen as a pub. Indeed it may end up as yet another social club or 24 hour supermarket.

Possibility of Appeal

Should the Licensing Sub Committee be minded to allow the application and revoke my licence I would intend to pursue any further avenue of appeal which may be available to the company, if so advised, given the clear importance of this licence to the financial well-being of myself, the company and its employees.

Mr Khalid Khan

Dated 25th September 2010

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

APPENDIX 4 SECRETARY OF STATE GUIDANCE

11. Reviews

THE REVIEW PROCESS

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences represent a key protection for the community where problems associated with the licensing objectives are occurring after the grant or variation of a premises licence.
- 11.2 At any stage, following the grant of a premises licence, a responsible authority, or an interested party, may ask the licensing authority to review the licence because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 In addition, a review of the licence will normally follow any action by the police to close down the premises for up to 24 hours on grounds of disorder or noise nuisance as a result of a notice of magistrates' court's determination sent to the licensing authority.
- 11.4 Licensing authorities may not initiate their own reviews of premises licences. Officers of the local authority who are specified as responsible authorities under the 2003 Act, such as environmental health officers, may however request reviews on any matter which relates to the promotion of one or more of the licensing objectives.
- 11.5 Representations made by a department of the local authority which is a responsible authority should be treated by the licensing authority in precisely the same way that they would treat representations made by any other body or individual.
- 11.6 In every case, the representation must relate to particular premises for which a premises licence is in existence and must be relevant to the promotion of the licensing objectives. After a licence or certificate has been granted or varied, a complaint relating to a general (crime and disorder) situation in a town centre should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.7 Representations must be in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing.
- 11.8 It is important to recognise that the promotion of the licensing objectives relies heavily on a partnership between licence holders, authorised persons, interested parties and responsible authorities in pursuit of common aims. It is therefore equally important that reviews are not used to drive a wedge between these groups in a way that would undermine the benefits of co-operation. It is good practice for authorised persons and responsible authorities to give licence holders early warning of their concerns about problems identified at the premises concerned and of the need for improvement. A failure to respond to such warnings is expected to lead to a decision to request a review.
- 11.9 Where the request originates with an interested party – e.g. a local resident, residents' association, local business or trade association – the licensing authority must first consider whether the complaint made is relevant, vexatious, frivolous or repetitious.

Guidance Issued under section 182 of the Licensing Act 2003

183

11.10 Further information for interested parties about the review process is available in "Guidance for interested parties: applying for a review" which can be found on the DCMS website.

REPETITIOUS REPRESENTATIONS

11.11 Relevance, vexation and frivolousness were dealt with in paragraphs 9.8 – 9.13 above. A repetitious representation is one that is identical or substantially similar to:

- a ground for review specified in an earlier application for review made in relation to the same premises licence which has already been determined; or
- representations considered by the licensing authority when the premises licence was first granted; or
- representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement;

and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or the grant of the licence.

11.12 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a second bite of the cherry following the failure of representations to persuade the licensing authority on earlier occasions. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, the Secretary of State recommends that more than one review originating from an interested party should not be permitted within a period of twelve months on similar grounds save in compelling circumstances or where it arises following a closure order.

11.13 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one request for a review of a premises within a 12 month period.

11.14 When a licensing authority receives a request for a review from a responsible authority or an interested party or in accordance with the closure procedures described in Part 8 of the 2003 Act, it must arrange a hearing. The arrangements for the hearing must follow the provisions set out by the Secretary of State in regulations. The details may be viewed on the DCMS website. The Secretary of State considers it particularly important that the premises licence holder is fully aware of the representations made in respect of the premises, any evidence supporting the representations and that they or their legal representatives have therefore been able to prepare a response.

POWERS OF A LICENSING AUTHORITY ON THE DETERMINATION OF A REVIEW

11.15 The 2003 Act provides a range of powers for the licensing authority on determining a review that it may exercise where it considers them necessary for the promotion of the licensing objectives.

11.16 The licensing authority may decide that no action is necessary if it finds that the review does not require it to take any steps necessary to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such warnings as an important mechanism for ensuring that the licensing

objectives are effectively promoted and that warnings should be issued in writing to the holder of the licence. However, where responsible authorities like the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to concerns, licensing authorities should not merely repeat that approach.

11.17 Where the licensing authority considers that action under its statutory powers are necessary, it may take any of the following steps:

- to modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
- to exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
- to remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;
- to suspend the licence for a period not exceeding three months;
- to revoke the licence.

11.18 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns which the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than a necessary and proportionate response.

11.19 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.

11.20 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems which impact upon the licensing objectives.

11.21 Licensing authorities should also note that modifications of conditions and exclusions of licensable activities may be imposed either permanently or for a temporary period of up to three months. Temporary changes or suspension of the licence for up to three months could impact on the business holding the licence financially and would only be expected to be pursued as a necessary means of promoting the licensing objectives. So, for instance, a licence could be suspended for a weekend as a means of deterring the holder from allowing the problems that gave rise to the review to happen again. However, it will always be important that any detrimental financial impact that may result from a licensing authority's decision is necessary and proportionate to the promotion of the licensing objectives.

APPENDIX 5 LICENSING
AUTHORITY'S STATEMENT OF
LICENSING POLICY APPLICABLE
TO THIS APPLICATION

- Licensees will need to have measures or procedures in place to check the SIA register of door supervisors to ensure their premises and customers are only protected by door supervisors with an SIA licence.

14.0 The prevention of public nuisance

- 14.1 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 living, working or sleeping in the vicinity of the licensed premises. The Council is committed to protecting the residents and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Council will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The council will expect applicants to address the issues under prevention of public nuisance detailed in the Appendix.

15.0 The protection of children from harm

- 12.2 The Council is committed to reducing crime and disorder throughout the borough through it's statutory duty under the Crime and Disorder Act and through the Haringey Safer Communities Strategy.
- 12.3 Good management, best practices and sound procedures in licensed premises do and can make an important difference to the level of alcohol related crime.

13.0 Public safety

- 13.1 Members of the public visiting licensed premises have the right to expect that due consideration has been taken in relation to public safety. Licensees, as providers of the premises for the sale of alcohol and/or regulated entertainment, must be able to demonstrate that they have considered and put in effect measures to protect members of the public.
- 13.2 In order to promote public safety responsible authorities may make representations on the grounds of public safety. The Licensing Authority will encourage those applying for a premises licence to undertake the necessary fire safety risk assessment and to be compliant with all relevant building control rules and regulations.
- 13.3 The Council recommends that the Metropolitan Police Promotion/Event Risk Assessment Form 696 and the After Promotion /Event Debrief Risk assessment Form 696A be used as an effective tool in this process.

Adult Entertainment

- 13.4 Nudity, striptease and other adult entertainment of a sexual nature fall within the remit of the Licensing Act 2003. This section details the approach the Licensing Authority will take when considering applications for this type of activity on its own merits. These premises may also require a licence under the Local Government (Miscellaneous Provisions) Act 1982.
- 13.5 Applicants to whom this applies are required to set out expressly in their Operating Schedule that they propose to offer entertainment involving nudity, striptease or other adult entertainment of a sexual nature. Any reference to music or dancing without express reference to adult entertainment will be interpreted as not including adult entertainment.
- 13.6 The Licensing Authority and the Police will have concerns about crime and disorder and public nuisance issues which may arise from the operation of the premises where these activities take place. The carrying on of these activities can provide the opportunity for prostitution, pimping, and other offences of a sexual nature. For these reasons there must be proper regulation of premises where these activities are offered.
- 13.7 When considering applications the Licensing Authority will have regard to whether the premises are in close proximity to the following:

- Schools

10.5 Trading Standards

Trading Standards will carry out test purchasing for underage sales in licensed premises.

10.6 Environmental Health – Food Team

The Food Team will inspect all food premises and are able to take action in relation to any contraventions found under the Food Safety Act 1990.

11.0 Operating Schedule

11.1 The operating schedule will form part of the completed application form for a premises licence. The schedule should contain the information necessary to enable any responsible authority or interested party to assess whether the steps to be taken to promote licensing objectives are satisfactory. In respect of applications for provisional statements, applications will need to contain information as prescribed in Regulation.

11.2 Risk Assessments

Risk assessments help to identify areas of concern in the operating of the premises which may undermine the licensing objectives. Applicants can use the information to complete their application and Operating schedule, and the steps identified by the applicant are transferred on to the license as a condition. Risk assessments should be specific to the premises, the proposed licensable activities and the proposed hours of trading and also the anticipated number of people likely to be on the premises when licensable activities are taking place.

11.2 Further guidance in this policy on the Operating Schedule is contained in the Appendix.

12.0 The prevention of crime and disorder

12.1 The Home Office has identified that a large percentage of violent crimes, assaults and criminal damage are from offenders under the direct influence of alcohol. The Haringey Crime Audit 2001 acknowledged that alcohol related violence was found to be a problem in night-time entertainment areas and that almost a quarter of all arrests were drink related. Direct findings summarised that the misuse of drugs and alcohol has contributed to the increase of crime and disorder in the borough with young men being of particular concern. Alcohol has also been shown to be a factor in occurrences of domestic violence. In comparison to similar boroughs, Haringey compared well and had fewer violent crimes per 1000 residents than the adjoining boroughs of Islington and Hackney.

This page is intentionally left blank