

## **5. REPORT**

### **Background**

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

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

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0200

Opening Hours

Monday to Sunday 0700 to 0230

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

CCTV and surveillance.

Provision of fire fighting equipment.

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

Adults will accompany children on the premises.

#### **5.3 Crime and Disorder**

Provision of CCTV and surveillance monitors.

#### **5.4 Public Safety**

Provision of fire fighting equipment.

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

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

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

#### **5.5 Public Nuisance**

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

#### **5.6 Child Protection**

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

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

### **Responsible authorities:**

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

The Police have no adverse comments to make regarding this application

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

##### **Noise Team**

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

##### **Food Team**

Have no objections to this application.

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

Have no objections to this application

##### **Trading Standards**

Have no objections to this application

#### **6.3 Fire Officer**

Have no objections to this application

#### **6.4 Planning Officer**

Have no objections to this application

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

No representation made on this matter

#### **7.0 Interested Parties – App 3**

2 letters of representation have been received against this application.

#### **8.0 Financial Comments**

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

**APPENDIX 1**

**APPLICATION FORM**

AG 902 610

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

(1)

Reference number:

## PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

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

If you are completing this form by hand please write legibly in block capitals. ~~In all cases ensure~~  
that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. ~~CIL~~  
You may wish to keep a copy of the completed form for your records

~~X~~ (2) I/we

CUMA ATEQ.

ENVIRONMENTAL SERVICES DIRECTORATE  
12 NOV 2008  
**RECEIVED**  
CIVIC CENTRE HIGH RD N22 8LE

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

### Part 1 - Premises details

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

Telephone number at premises(if any) 02083408965.

Non-domestic rateable value of premises £19,500

### Part 2 - Applicant details

Please state whether you are applying for a premises licence as

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

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

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

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

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

Please tick  yes




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

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

Surname  First names

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

Day	Month	Year

Current postal address if different from premises address

Post town  Postcode

Daytime contact telephone number

E-mail address (optional)

**SECOND INDIVIDUAL APPLICANT (if applicable)**

Mr

Mrs

Miss

Ms

Other title  
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick  yes

Date of birth

Day	Month	Year
10	10	1973

Current postal address if different from premises address

11 BOURNES HOUSE  
CHISLEY ROAD  
TOTTENHAM  
N15 6EH

Post town N15 6EH

Postcode N15 6EH

Daytime contact telephone number

07507569655

E-mail address  
(optional)

acumasilan@hotmail.com

**(B) OTHER APPLICANTS**

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

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

Part 3 - Operating Schedule

When do you want the premises licences to start?


Day	Month	Year
16	10	2008

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

Day	Month	Year

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

RESTAURANT (NO LIQUOR LICENCE)  
(NIGHT-CLUB) LATE NIGHT REFRESHMENT  
TERRACED PREMISES IN A ROW OF SHOPS.  
MY ROLE IN THE BUSINESS WILL BE TO MANAGE  
THE BUSINESS FROM 7 AM UNTIL 11 PM  
I AM ALSO THE LEASOLDOR  
THE ROLE OF MR CUMRA ATEŞ WILL BE TO  
MANAGE THE BUSINESS FROM 11 PM UNTIL  
CLOSING TIME. MR C ATEŞ WILL HAVE FULL  
RESPONSIBILITY OF THE PREMISES DURING THE  
LICENSABLE HOURS.  
I HAVE ALSO EMPLOYED A CONSULTANT  
TO PROVIDE AN EXTRACTOR FAN REPORT WITH REGARDS  
TO REDUCING THE NOISE EMANATING FROM THE FAN.  
ONCE THE RECOMENDATIONS HAVE BEEN MADE THE  
WORKS WILL UNDERTAKE TO IMPLIMENT THE RECOMENDATIONS.



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

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

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

**Provision of regulated entertainment**

Please tick  yes

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

**Provision of entertainment facilities for:**

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

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

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

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



# A

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

# B

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

**C**

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

**D**

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

# E

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

# F

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

# G

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

# H

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

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

**J**

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

# K

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

**L**

Late night refreshment			Will the provision of late night refreshment take place indoors or outdoors or both - please tick <input checked="" type="checkbox"/> (please read guidance note 2)
Day	Start	Finish	
Standard days and timings (please read guidance note 6)			Indoors <input checked="" type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Mon	23:00	02:00	Please give further details here (please read guidance note 3)  <i>SERVICE OF HOT FOOD</i>
Tue	23:00	02:00	
Wed	23:00	02:00	State any seasonal variations for the provision of late night refreshment (please read guidance note 4)  <i>NONE</i>
Thur	23:00	02:00	
Fri	23:00	02:00	Non-standard timings. Where you intend to use the premises for the provision of late night refreshment at different times from those listed in the column on the left, please list (please read guidance note 5)  <i>NONE</i>
Sat	23:00	02:00	
Sun	23:00	02:00	

**M**

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

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

Name

Address

Postcode

Personal Licence number (if known)

Issuing licensing authority (if known)

## N

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

## O

**Hours premises are open to the public**

Standard days and timings  
(please read guidance note 6)

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

State any seasonal variations (please read guidance note 4)

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



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

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

CCTV + SURVEILLANCE

PROVISION OF FIRE FIGHTING EQUIPMENT

PROVISION OF PUBLIC NOTICES - IE ALL CHILDREN TO BE ACCOMPANIED BY ADULTS.

ADULTS TO ACCOMPANY CHILDREN

b) The prevention of crime and disorder

PROVISION OF CCTV & SURVEILLANCE MONITOR.

c) Public safety

PROVISION OF FIRE FIGHTING EQUIPMENT

LIMITING THE NO. OF PEOPLE PERMITTED ON THE PREMISES TO 60 (INC. STAFF)

REST = 1x FOAM EXTINGUISHER / KITCHEN = 1x DRY POWDER EXTINGUISHER

REAR = FIRE DOOR TO BE KEPT LOCKED OPEN DURING OPENING HRS.

d) The prevention of public nuisance

PROVISION OF PUBLIC NOTICES ON WALLS.

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

e) The protection of children from harm

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

CHECKLIST:

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

Please tick ✓




2

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

**Part 4 - Signatures** (please read guidance note 10)

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

Signature



Date

07-11-2008

Capacity

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

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

Signature

Date

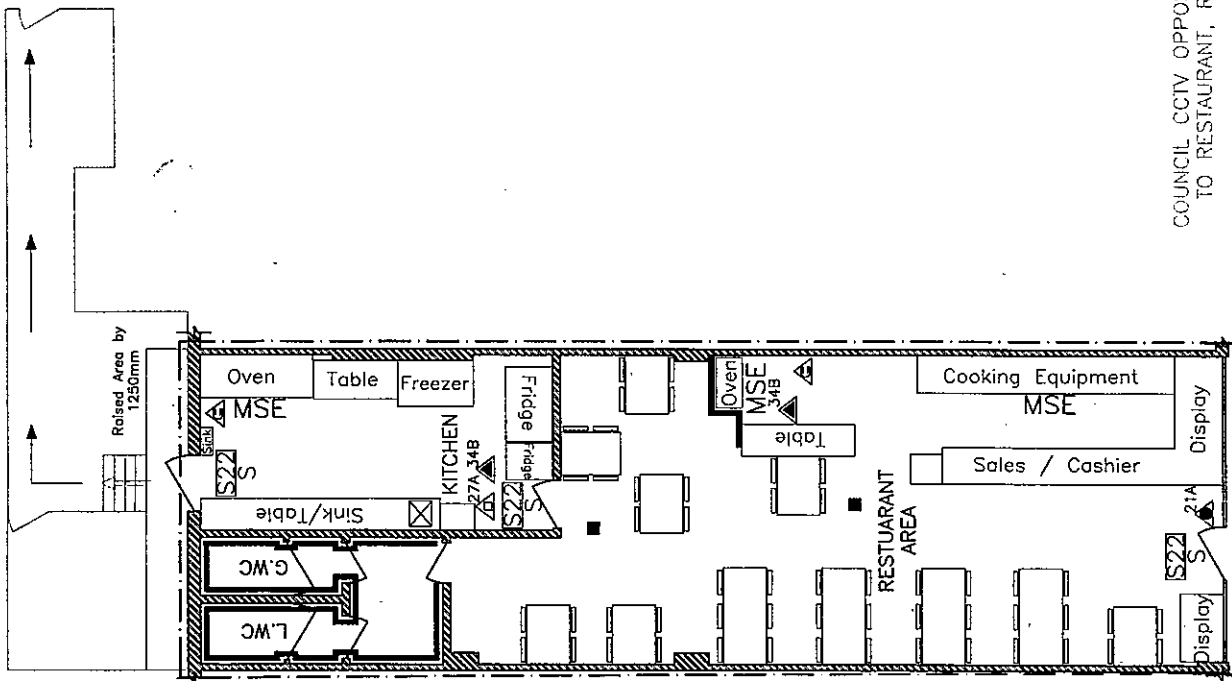
Capacity

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










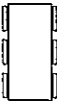


## Notes for Guidance

1. Describe the premises. For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.
2. Where taking place in a building or other structure please tick as appropriate. Indoors may include a tent.
3. For example the type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.
4. For example (but not exclusively), where the activity will occur on additional days during the summer months.
5. For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.
6. Please give timings in 24 hour clock (e.g. 16:00) and only give details for the days of the week when you intend the premises to be used for the activity.
7. If you wish people to be able to consume alcohol on the premises please tick 'on the premises', if you wish people to be able to purchase alcohol to consume away from the premises please tick 'off the premises'. If you wish people to be able to do both please tick 'both'.
8. Please give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups, the presence of gaming machines.
9. Please list here steps you will take to promote all four licensing objectives together.
10. The application form must be signed.
11. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
12. Where there is more than one applicant, both applicants or their respective agents must sign the application form.
13. This is the address which we shall use to correspond with you about this application.

Fire Exit leads out to  
Pemberton Road



**KEY**

-  WC AREA
-  MECHANICAL SMOKE EXTRACTION
-  FIRE EXIT SIGN SUSPENDED ABOVE HEAD HEIGHT
-  6LT FOAM EXTINGUISHER
-  FIRE BLANKET IN CONTAINER
-  2KG CARBON DIOXIDE FIRE EXTINGUISHER
-  6KG POWDER EXTINGUISHER
-  SURVEILLANCE MONITOR
-  CAMERA
-  SEATING AREA FOR SIX PEOPLE
-  SEATING AREA FOR TWO PEOPLE
-  AMBIT OF LICENSED PREMISES

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

**GROUND FLOOR PLAN**

Shop Name: <b>MIZZGIN RESTAURANT</b>	
Address Details: 485 GREEN LANES LONDON N4 1AU	
Solicitor Name:	
Address Details:	
DRAWN: Y. KALAYCI	DATE: SEPT. 2005
SCALE: 1:100	PLOT SCALE: 1:1

**APPENDIX 2**

**NOISE TEAM REPRESENTATION**



**Haringey** Council

Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Eubert Malcolm

cc: Team Leader

Our Reference: WK/000100424

Date: 27th November 2008

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

Type of application: New

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

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

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

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

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

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

## Background

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

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

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

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

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

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

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

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

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

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

Other supporting information

Summary of prosecutions are provided below and the table below.

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



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

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

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

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

### Informative

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

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

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

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

#### **Plant and machinery**

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

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

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

**APPENDIX 3**

**RESIDENTS REPRESENTATIONS**

# LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

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

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

6 December 2008

Dear Ms Barrett

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

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

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

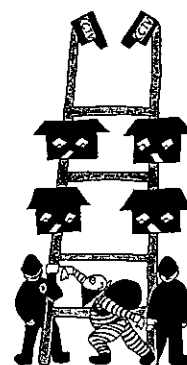
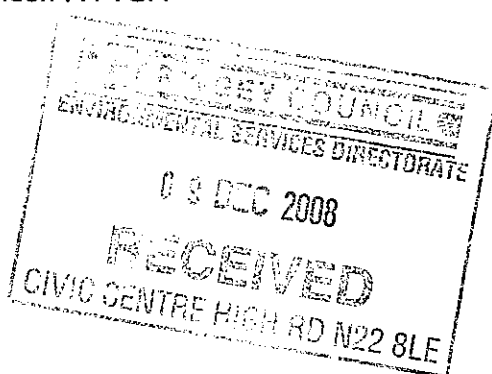
Since our letter of 30 March 2008, the Licensing Committee has had a Review Hearing at which numerous further offences and prosecutions were tabled. The outcome was to refuse the premises a late-night licence. When this was taken to appeal, the Council's decision was upheld (with costs) by the Magistrates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

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

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

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

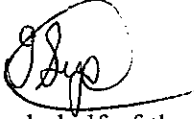
In the light of the overwhelming body of evidence, and Mr Kovaycin's continued (joint) management of the premises, we strongly urge the Licensing Committee to refuse this



the "Ladder"

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

Yours sincerely

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

On behalf of the LCSP

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

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

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

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

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

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

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

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

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

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

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

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

**9th September 2008**

## Restaurant boss warned over out of hours trading

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

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

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

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

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

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

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

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

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

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

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

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

HARINGEY

# people

FREE FOR THE RESIDENTS OF HARINGEY

OCTOBER 2008

## **Late opening curbed**

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

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

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

[www.haringey.gov.uk](http://www.haringey.gov.uk) 5

# LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

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

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

30 March 2008

Dear Ms Barrett

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

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

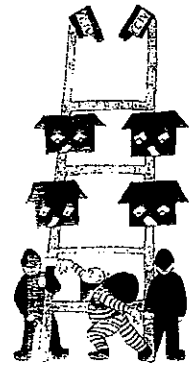
For many years, residents have noted the repeated breaches of permitted opening hours, the improper disposal of commercial waste, and ongoing noise nuisance from the ventilation system. The LCSP has already had occasion to write to the Licensing Sub Committee with regard to the premises (see our letter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

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

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

Yours sincerely

On behalf of the LCSP

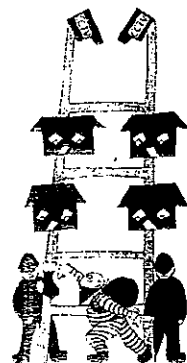


the "Ladder"



# LADDER COMMUNITY SAFETY PARTNERSHIP ...keeping crime off

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



the "Ladder"

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

18<sup>th</sup> November 2005

Dear Ms Barrett

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

## 1 INTRODUCTION

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

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

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

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

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

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

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

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

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

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

## 2 PLANNING CONSIDERATIONS

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

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

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

## 3 REASONS FOR OBJECTING

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

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

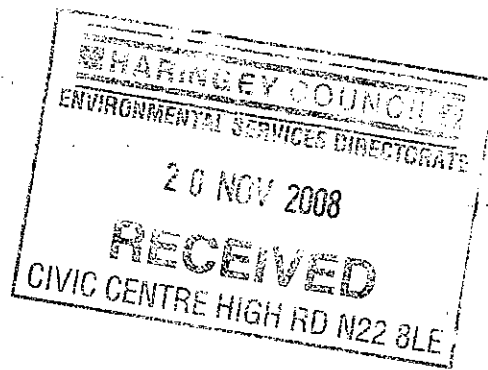
- '*the Council considers that licensing law plays a key role in both preventing and controlling ... anti-social behaviour ... by regulating and applying conditions to affect the number, location and hours of premises*' [2.4]
- '*the council will have special regard to the local impact of licensing on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

Top Flat  
485B Green Lanes  
Haringey  
London  
N4 1AJ

Tel: 0208 341 5961

19<sup>th</sup> November 2008

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



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

Dear Ms Barrett,

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

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

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

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

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

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

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

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

Yours sincerely,



John Sharman