

HARINGEY COUNCIL

Report to Licensing Sub-Committee under the Licensing Act 2003

Date of Hearing: 5th July 2022

Premises: Jani, 31 Westbury Avenue, Wood Green, London, N22 6BS (Noel Park)

Licensee: Mirjan Gradica

Application: Application for a variation of an existing premises licence at Jani, 31 Westbury Avenue, Wood Green, London. N22 6BS

Appearances: Mrs Emine Fezal Yurdakul, Director of Pera Solutions and Applicant Mirjan Gradica

Application:

The hours proposed are shown below:

Late Night Refreshment

Monday to Saturday 2300 to 0200 hours

Sunday 2300 to 0000 hours

Supply of Alcohol

Monday to Saturday 1100 to 0130 hours

Sunday 1100 to 00:00 hours

Hours open to Public

Monday to Saturday 0800 to 0200 hours

Sunday 0800 to 0000 hours

Interested Parties

Objection letters from: Wiler De Costa

(Appendix 4)

Objections:

Public Nuisance: Objection is based on noise nuisance that will affect nearby residents.

Risk Assessment for Licensing Objectives:

Jani is committed to imply the four licensing objectives. Please see the Risk Assessment below.

Licensing Objective	What are the problems or hazards?	Who/What might be harmed and how?	What are you already doing?	What further action is necessary?
Preventing public nuisance	Noise from customers leaving licensed premise	Disturbance of neighbours leading to complaints A premise licence review and licence revoked, suspended, changed or licensable activity removed.	<p>Signs in the shop asking customers to respect neighbours and leave quietly</p> <p>Staff are trained periodically</p> <p>The nearest police station and ambulance's phone number will be displayed for any incidence.</p> <p>The neighbouring entrance door will not be obstructed.</p> <p>A phone number of the responsible person will be provided on the shop</p> <p>Complaint procedure will be maintained</p>	Supervise customers leaving premise after 11 pm.

Public Safety	Health&Safety risks	Customers, visitors and employees	Health&Safety policy in place Fire safety measures in place	Staff are trained in/ informed of necessary safety measures Covid safety measures are implemented according to government guidance
Protection children from Harm	Staff selling alcohol to persons under 18. Adults buying alcohol for persons aged under 18.	Prosecution and premise licence review.	Displaying relevant signs at point of sale. Vigilance both inside and outside premises. Regular staff training No proof, no sale UNDER 25 age verification policy	Install CCTV. Carry out daily check on procedures and signage Implement a Challenge 25 age verification policy
Prevention of Crime and disorder	Crime and disorder	Disturbance of neighbours leading to complaints A premise licence review and licence revoked, suspended, changed or licensable activity removed.	Notices setting out the last admittance will be displayed at the premise. Regular staff training No sale of alcohol to drunk people. No irresponsible drink promotions Free Potable water available	Install CCTV. A notice will be displayed at the entrance to the premises advising that CCTV is in operation. A zero tolerance policy to drugs shall be operated inside the premise

Dear Licensing Department,

The representation from Mr. Wiler De Costa contains WhatsApp screen shots of my client's messages. First of all, due to privacy rules and guidelines, personal messages between two parties cannot be shared without the consent of both sides.

However, in this case, these images actually show that my client was very cooperative by informing tenant clearly on certain events, responding to messages on time and even receiving tenant's packages. Moreover, some of the events mentioned in the text messages have never happened anyway. And, in a particular case, the noise created was actually coming from across the shop.

Additionally, the objector shared some photos of the tables and chairs in order to show that my client obstructs his entrance. However, you can see from the photos that the chairs are moved by customers rather than then my client. In order to avoid this, my client will provide regular staff training and will be requesting customers not to obstruct the entrance by a sign which be located on his shopfront. Please find the photos of a tables and chair outside taken by CCTV on 29.06.2022 and a photo taken on 29.06.2022 on Appendix 1.

The resident also complained about the sisha garden at the rear of the property. Sisha is not regulated under the Licensing Act. My clients' garden at the rear complies with Sisha Guidance and the 50% percent rule.

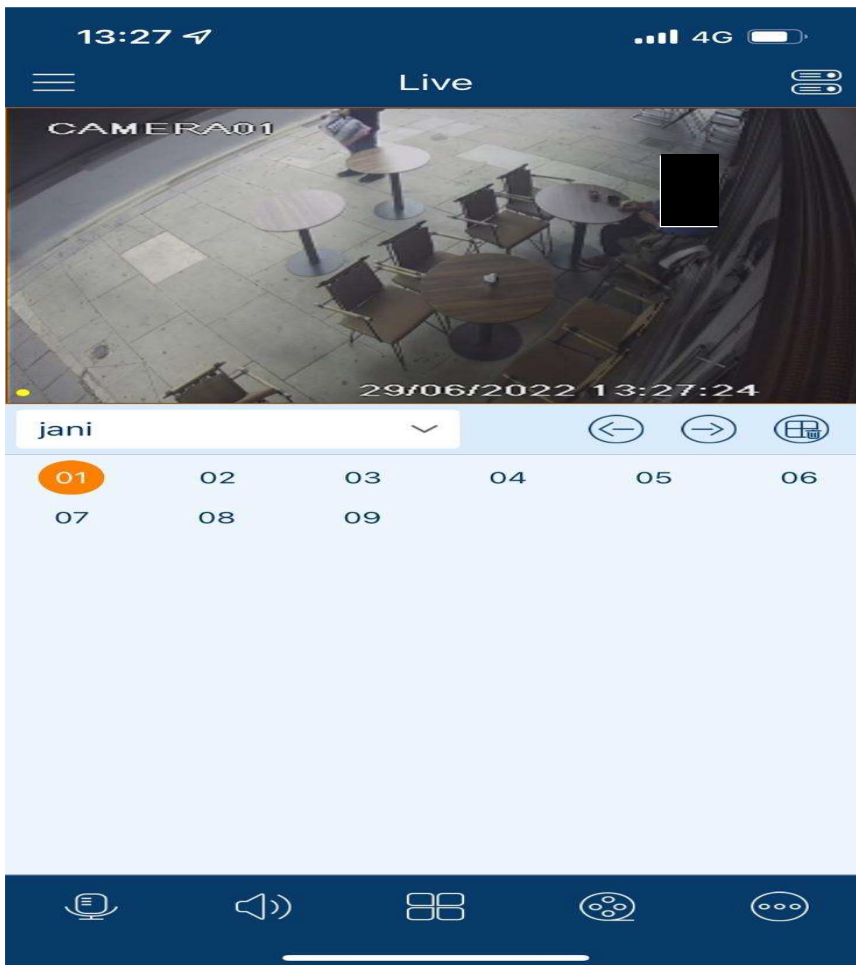
Please see the photo on Appendix 2.

My client would like to work with the local community therefore we have spoken with other neighbours at the area about the application and got 16 supporting letters. Please find the letters on Appendix 3. There are also 3 more flats above the premise that did not make any complaints regarding the application.

We understand the concerns regarding public nuisance. Please find your risk assessment above. In order to reduce noise levels, we will have signs in the shop asking customers to respect neighbours and leave quietly. We will train our staff periodically. We will display the nearest police station and ambulance's phone number for any incidences. The neighbouring entrance door will not be obstructed. Staff will be trained regarding to this and a sign will be displayed. We will also have a phone number of the responsible person displayed on the shop. If the residents have any concerns they can call my client and my client will take all the precautions in order to reduce the noise levels. Additionally, we will have a complaint procedure in place.

With these measures in place, we believe my client will be able to manage the place in compliance with 4 licensing objectives. We kindly request our premise licence to be granted.

Appendix 1. Camera Footage on 29.06.2022



Appendix 2. Rear Garden



Appendix 3. Supporting Letters

22.06.2022

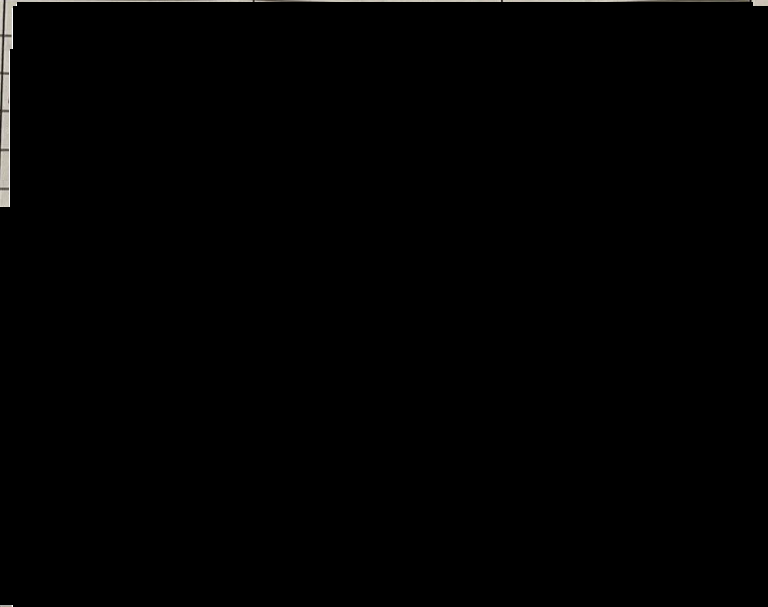
Dear Licensing Department,

JANI has applied for late night refreshment for Monday-Saturday from 23:00-02:00 and Sunday 23:00-00:00 and sale of alcohol Monday-Saturday 11:00-01:30 and Sunday 11:00-00:00.

As a resident at the area, I have been supporting this application.

Many thanks,

Kind Regards,

Name&Surname	Address	Phone Number	Signature
Hemal Anca			
Fikret AKGUN			
Halit Demirci			
KASHIF PERVEZ			
DOROTA ONCZAREK			
Jwan			
V. S. JAYAN			
NEW			
Istanbul Travel			
Y/ma			
First Choice Carpets			
BANCHO BANCHO			
Sunny Beach			
Vijet Amin m...s			
Evisa Souli			
VALTER RADA			

Appendix 4. Objection Letter

Hi there, My wife and I live at [redacted], just by Turnpike Lane underground station and above JANI restaurant and bar. We have lived there for several years and enjoy being a part of the community here very much. We did have a good relationship with Mirjan Gradica until around September 2021, when he started playing music very loudly in his bar at night and we regularly needed to send him messages asking him to turn down the music. I do understand that it's a bar in the evenings, but we also should be allowed a certain amount of peace in our own home. At the time, Mirjan was pleasant enough and would turn the music down. Then earlier this year the music was being played until 3am most weekends and people were out the back of the building smoking shisha pipes just as late or later. This has been going on since then and when I've tried to speak to him about it, he says that he now has a late license, which he has displayed in the window. It was only last week when I looked at the notice in the window that I saw it is not actually a license to sell alcohol until 2am, but the application to do so. This means that he has been breaking licensing laws by staying open later than his current license allows, though I believe he probably has misunderstood the situation after applying for the license and getting the paper through in the post so must think that this is the license he applied for, rather than the notice of application. Also, the chairs and tables they have for customers now are often put out right in front of the door to our building making it very hard to get in and out plus I think they have too many chairs on the public pavement I saw oldest, disabled and mums with kids struggle to pass through due to too many chairs and tables. It now feels as though they think they can do what they like, but we're not sleeping until 1am most weekdays and until 3am or later at the weekend. The lack of sleep and confrontations we have to deal with now has become too much and I want to put in a representation to ask that the license remains for the earlier time and that this is enforced to make sure he sticks to the times that he legally should be opening and closing at. I don't wish for him to lose his business of course, I do want him to be able to run a successful restaurant and bar that provides a safe space for members of the Albanian community in the area. However, I just want to be able to sleep at night and do not wake up 6am every morning with the noise of the waitress dragging chairs and talking very loudly with customers and not be tired at work every day. It has been very stressful over the last few months and so I felt that I had to act, not only for myself but also on behalf of my wife who has also suffered as a result of the loud music and voices through the night. Please do take a look at the attached form and photos to illustrate each point I've raised. I look forward to yearning back from you. Kind regards
Wiler Da Costa