

#### 4. REPORT

##### Background

The Environmental Health (Noise) Team have applied for a review under the Prevention of Public Nuisance objective due to:

- Noise Nuisance Complaints, from loud music entertainment emanating from the premises which has been witnessed.

Prevention of Crime and Disorder objective due to:

- Crime and disorder caused by patron's of the premises congregating on the footpath to smoke and leaving the premises outside of permitted hours.
- Carrying out licensable activities without the benefit of a premises licence.
- Operating beyond permitted hours on the premises licence.

Licensable activities authorised by the Licence:

##### Supply of Alcohol

Monday to Saturday                      1800 to 0100

Sunday                                        1800 to 0000

##### Provision of Late Night Refreshment

Monday to Saturday                      2300 to 0100

Sunday                                        2300 to 0000

The premise is only to operate within permitted hours as stipulated by its current planning permission.

##### The opening hours of the premises:

The premise is only permitted to open within of the following hours as stipulated by its current planning permission.

Monday to Saturday                      0800 to 0000

Sunday & Bank Holidays                0800 to 2300

**The designated premises supervisor is:** Carmen Singh

**4.2 Details of the Application for Review. Appendix 1**

**5.0 RELEVANT REPRESENTATIONS (CONSULTATION)**

**Responsible authorities:**

**5.1 Comments of Metropolitan Police**

No representation made.

**5.2 Comments of The London Fire and Emergency Planning Authority**

No representation made.

**5.3 Interested Parties –**

Representations have been received in support of the review also. **App 2**

**5.4 Licensing Information**

The licensee Ms Singh applied to vary the premises licence in March 2009. This application was opposed by local residents and the Noise Team due to the incidents of loud noise causing a nuisance from the premises and also cases of the licensee offering licensable activity for which she did not have permission for under the licence or by a temporary event notice. Ms Singh applied to add Regulated Entertainment to the licence and to extend the hours of the licence. The application was granted by a Licensing Sub Committee but with added conditions. One of the conditions was that Ms Singh could not use the varied aspects of the licence until such time as an acoustic engineer had carried out a report of noise break out from the premises and identified work that would be required to remedy the situation. This was to be done to the satisfaction of the Environmental Health Officer. The onus is upon Ms Singh to ensure she took steps to comply with this.

The evidence gathered from the Noise Team shows that Ms Singh continued to offer regulated entertainment from the premises even though it had been made clear that she was unable to do so until the acoustic matters had been dealt with.

Letters were sent to Ms Singh reminding her of this requirement.

Ms Singh was able to continue with the original licence until she was able to be compliant with the decision awarded by the Licensing Sub Committee.

A copy of the Licensing Sub Committee decision is attached at Appendix 3

A copy of the original licence is attached at Appendix 4

A copy of the varied licence is attached at Appendix 5.

## 6.0 POLICY CONSIDERATIONS

- 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 objective, which are:

1. Take no further action
2. to issue formal warnings to the premises supervisor and /or premises license holder
3. modify the conditions of the license
4. exclude a licensable activity from the scope of the license
5. remove the designated premises supervisor
6. suspend the license for a period not exceeding three months
7. revoke the license.

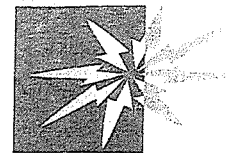
Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

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 6.
- 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 7.
- 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.

APP 1

REVIEW APPLICATION AND SUPPORTING  
DOCUMENTATION



Haringey Council

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

Reference number: WK 135225

(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) I/We

The Environmental Health Authority

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 :

K1 (Formerly Karmenz) 190<sup>2</sup> Stroud Green Road

Post town; London

Postcode (if known): N4 4DA

Telephone number (if any)

Name of premises licence holder or club holding club premises certificate (if known)

Ms Carmen Singh

Number of premises licence or club premises certificate (if known): LN000003217

**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

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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

--	--	--	--	--	--	--	--	--	--

Telephone number (if any)

E-mail address  
(optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

Name and address: Eubert Malcolm Enforcement Response Service Manager (Noise) Technopark, Ashley Road	
Post town London	Postcode N17 9LN

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)

- **THE PREVENTION OF PUBLIC NUISANCE**

Noise nuisance complaints, from loud music entertainment emanating from the premises have been witnessed.

- **THE PREVENTION OF CRIME AND DISORDER**

Crime and disorder, caused by patron's of the premise, congregating on the footpath to smoke and leaving the premise outside permitted hours.

Carrying out licensable activities without the benefit of a premises license

Operating beyond permitted hours on the premises license

Please provide as much information as possible to support the application  
(please read guidance note 2)

Please see attached



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.

*[This area contains faint, illegible handwritten text and smudges.]*

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 E. Malah

Date 30<sup>th</sup> September 2009.

Capacity Responsible Authority.

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.

## Appendix 1

1. As a result of numerous noise complaints, a Noise Abatement Notice under Section 80 Environmental Protection Act 1990 was served on 6 October 2008. Resulting in a prosecution where a Fixed Penalty Notice for £400.00 was issued on the 14<sup>th</sup> December 2008. This was paid on 5 February 2009.
2. On the 14 May 2009 an application for a variation was heard by the Licensing sub committee, to include an entertainment Licence and extend their permitted hours.
3. The Committee considered the representations, and was mindful that this case had a particular emphasis on public nuisance, namely nuisance generated as a result of noise from the premises.
4. The Committee had been addressed by the Responsible Authority, namely the noise team, on how they felt noise nuisance could be minimised and felt the noise could be minimised by the imposition of the conditions.
5. The Committee noted that the conditions had been accepted by the applicant. Namely;

*"The licensee shall appoint a noise consultant registered with the Institute of Acoustics or Association of Noise Consultants to prepare a scheme of sound insulation and noise control measures, which may include the installation of a noise limiting device, to prevent persons in the neighbourhood from being unreasonably disturbed by noise of music or vibrations from the premises. The scheme shall be submitted for approval by the Council and the licensee notified in writing accordingly, prior to the premises being used for music and dancing. In addition, two SIA registered door supervisors shall be employed on Friday and Saturday, from 2100hrs to 0200hrs."*

6. The Committee further allowed the variation of the premises licence but reduced the hours to:

### Opening hours:

Sunday 1200 – 2200  
Monday – Thursday 1100 – 0000  
Friday – Saturday 1100 – 0200

In relation to the Supply of Alcohol, Late Night Refreshment and Live and Recorded Music, these licensable activities shall cease 30 minutes before closing time, namely:

Sunday 2130

Monday – Thursday 2330  
Friday – Saturday 0130

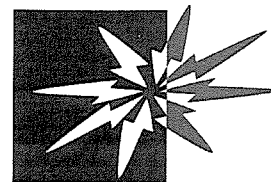
7. The Committee also stated that the applicant cannot use the premises licence until she has implemented the scheme approved by the noise consultant, to the satisfaction of the Council.
8. The Committee also reminded the applicant that all doors and windows are to be kept closed while music is playing, as provided in the operating schedule.
9. Since the hearing Enforcement Response Staff (Noise) have witnessed 5 offences for operating beyond premises Licence and once for Noise Nuisance. (see summary table below)
10. On approximately 20 July 2009. A Acoustic engineers report, commissioned by Ms Singh, regarding the sound insulation and works required to fulfil the conditions placed by the Licencing sub committee.
11. On the 11 September 2009 Ms Singh was invited to the Enforcement Response office for an interview under caution. Ms Singh attended but invoked her right to have legal representation, and the interview was cancelled, pending a new date.
12. As a result of discussions on the 11 September 2009 a letter was hand delivered to Ms Singh advising her of the condition imposed on the variation application.
13. Contact was made to the service by an engineer was had been engaged by Ms Singh to install the noise limiter. Officers attended and set the limiter accordingly.
14. Summary Table of offences

Date/Time of offence	Complaint	Outcome
Sun 19/7/09 @ 03:35	Noise nuisance and operating beyond permitted hours	Noise abated, licensing offences reported, legal action pending
Sat 22/8/09 @ 02:35	As above	As Above
Sun 23/8/09 @ 02:13	As above	As Above
Sun 06/09/09 @ 02:13	Operating beyond permitted hours	licensing offences reported, legal action pending
Sat 06/09/09 @03:45	Operating beyond permitted hours	As Above
Sat 19/09/09 @ 01:05	Noise Nuisance	Noise abated, legal action pending

15. Recommendation

16. As Ms Carmen Singh is the Premises Licence holder as well as DPC has shown complete disregard for Licensing law and in doing so is breaching the licensing objectives of; "The Prevention of public nuisance" "The prevention of Crime and disorder" and has shown total disregard for the Licensing Sub Committees recommendations therefore I recommend a complete revocation of his premises license based on the information supplied above.

# Public Notice



**Haringey** Council

## **Notice of Application for the review of a Premises Licence.**

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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:

**K1 (KARMENZ)  
192 STROUD GREEN ROAD  
HORNSEY  
LONDON N4 3RN**

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

**THE OPERATION OF THE PREMISES HAS FAILED TO UPHOLD THE LICENSING CONDITIONS AND THE OBJECTIVE OF:**

- **PREVENTION OF CRIME AND DISORDER**
- **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, Techno park, Ashley Road, Tottenham, London N17 9LN.**

**By: 28<sup>th</sup> October 2009**

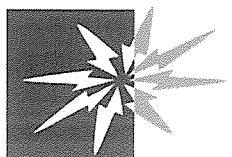
The grounds for review and Haringey Councils Licensing register may be viewed by appointment Monday to Friday (except Bank Holidays) at the Licensing Team, Techno park, Ashley Road, Tottenham, London N17 9LN between the hours of 10.00am and 4.00pm.

**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**



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**Town and Country Planning Act 1990 (As amended)**  
**Plan relating to the Enforcement Notice dated**  
**192 STROUD GREEN ROAD N4**



**Haringey Council**

Robin Payne  
 Assistant Director  
 Enforcement Service  
 1st Floor  
 Techno Park  
 Ashley Road  
 Tottenham  
 N17 9LN

 NORTH	Drawn by	Haringey Council
	Scale	1:1000
	Date	21/04/2009
	Drawing	NVA

APP 2

INTERESTED PARTIES



**Bar:**

**From:**

**Sent:** 27 October 2009 19:10

**To:** Licensing; Barrett Daliah

**Subject:** Support the Review of the license - Karmenz Restaurant - 192 Stroud Green Road N4 3RN

We support the application to review the license of the above premises based on: 'the prevention of public nuisance' & 'the prevention of crime and disorders'

As we live next door we are the most affected by the level of noise & activities when parties are organised. Karmenz' customers have also treated with disrespect our property and the communal alleyway, gathering in groups, drinking & smoking and leaving behind all their waste, even on our doorstep.

We made representations on writing to the last committee meeting on 'Karmenz - application for variation to the premise license' and we also attended this meeting. We were appalled with the decision of the committee noticing how they ignored the resident's complaints and also the arguments presented by the local residents who turned up in that meeting. Below is attached the previous representations made with regard to this business on the 9<sup>th</sup> April 2009:

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We would like to make a representation with regard to Karmenz Restaurant application for variation to the premise license.

We live next door to the above premises and we are strongly against any approval for variation to a premise license including late opening hours and music.

Our reasons are related to prevention of crime and disorder and prevention of public nuisance.

We are already experiencing on a regular basis (over weekends) loud music and unbearable level of noise coming from the above mentioned premises (even causing vibration of the joining walls). We have witnessed the police coming because of the level of public disorder caused by the customers of the above premises taking their drinks and shouting into the street.

Our normal lives are often disrupted and we are unable to have a break from the working week because of lack of sleep. Our young children too have a disrupted and uncomfortable sleep on these occasions. We do not wish to become an obstacle to normal local businesses; however, their operation should not be at the expense of local residents leading normal lives.

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**We would also request again that you do not disclose our private contact details.**

Please confirm by return receipt of this email.

28/10/2009

THE FOLLOWING ITEMS ARE A FEW OF THE PROBLEMS WE'VE HAD SO FAR.

- 1) SATURDAY 13 JUNE 09.  
AFTERNOON PARTY CONT ON INTO EVENING ALLEYWAY AT REAR, DOORS + WINDOW OPEN, MUSIC, CHILDREN PLAYING IN ALLEY, MEN + WOMEN EATING MEALS ON PLASTIC PLATES, DRINKING, SMOKING Aprox 6 MALES DRINKING LAGER I PHONED NOISE TEAM Aprox 3 TIMES. RUBBISH AND BUTT ENDS LEFT.
- 2) RUBBISH IN ALLEY AND AT REAR OF SAID PROPERTY FOR SEVERAL DAYS ENCLOSED A PHOTO OF MESS.
- 3) JULY 18 2009 PHONED COUNCIL REF NOISE AND THAT LICENCE HAD NOT YET BEEN GRANTED REF 87554.
- 4) SAT AUGUST 22ND 2009 PHONED COUNCIL REF NOISE, BAR STILL OPEN AT 2.25 AM, ALLEY AT REAR BEING USED FOR DRINKING, TALKING, AND SMOKING. REAR DOOR OPEN. REF 87554
- 5) SATURDAY SEPTEMBER 5TH 2009 PHONED HARRINGAY AT 2.30 AM MUSIC STILL ON, HARRINGAY PHONED ME BACK Aprox 2.45 AM THEY SAID THEY WOULD LOOK INTO IT MUSIC STOPPED 3.0 AM REF 95350.

THE EXTENSION THAT WAS BUILT AT REAR OF 192 STROUD GREEN ROAD. HAS NOT HAD PLANNING PERMISSION, NONE APPLIED FOR. THIS LEAVES THIS SECTION OF PROPERTY UNFIT FOR PURPOSE.

UNTIL FIRE OFFICER CHECKS IT FOR FIRE REGULATIONS PLUS HEALTH AND SAFETY SHOULD LOOK INTO THIS I SUGGEST THE COUNCIL SEE THIS IS CARRIED OUT, DUE TO A POSSIBLE FIRE HAZARD, IE ROOF, ETC NOT TO REGULATIONS.

WE LOOK TO YOU TO HOLD A REVIEW OF SAID LICENCE AS SOON AS POSSIBLE. AT PREVIOUS COUNCIL MEETING THERE WERE 11 NUMBER LETTERS FROM LOCAL RESIDENTS

2

THAT WE FEEL WERE NOT FULLY TAKEN INTO ACCOUNT,  
NOT ONLY DO WE FEEL GRIEVED AT THIS, BUT NOW WE  
HAVE TO KEEP RECORDS OF THE PROBLEMS AT 192 WHICH YOU  
HAS CREATED FOR US NOISE PROBLEMS ETC,  
THIS HAS BEEN CREATED BY COUNCIL FOR ALLOWING  
THIS IN THE FIRST PLACE. WE STRONGLY RECOMMEND A  
REVIEW OF THIS WHOLE SET UP AS SOON AS POSSIBLE.  
IN THE MEANTIME WE ASK YOU TO GET HEALTH & SAFETY  
AND FIRE OFFICER INVOLVED AS A MATTER  
OF URGENCY.

15 16 109

~~See~~

See Pl Book



15 16 109

~~see~~

see PI Book





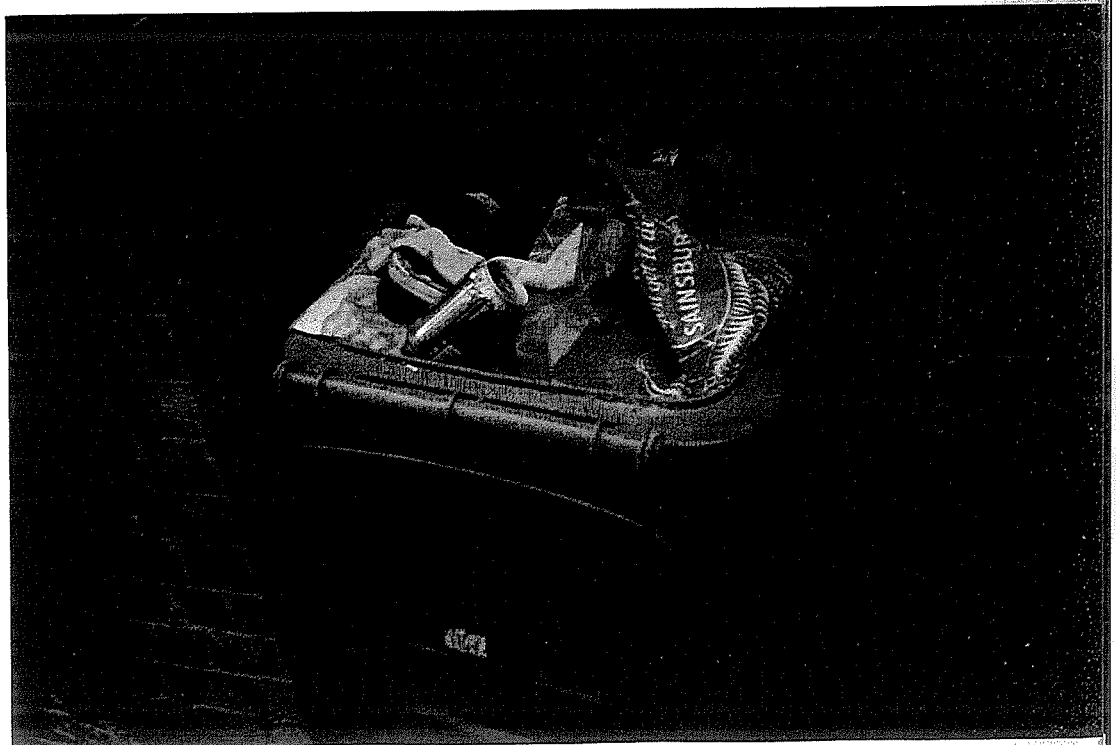
Area of 142 SE 109

Question from L. D. ...

PLEASE NOTE CIE/SUTS, RUSKISH  
AND READ WITH TO READ CIE/POOR  
LIKE OTHER RUSKISH IN AREA

1516109

SEC PI Book





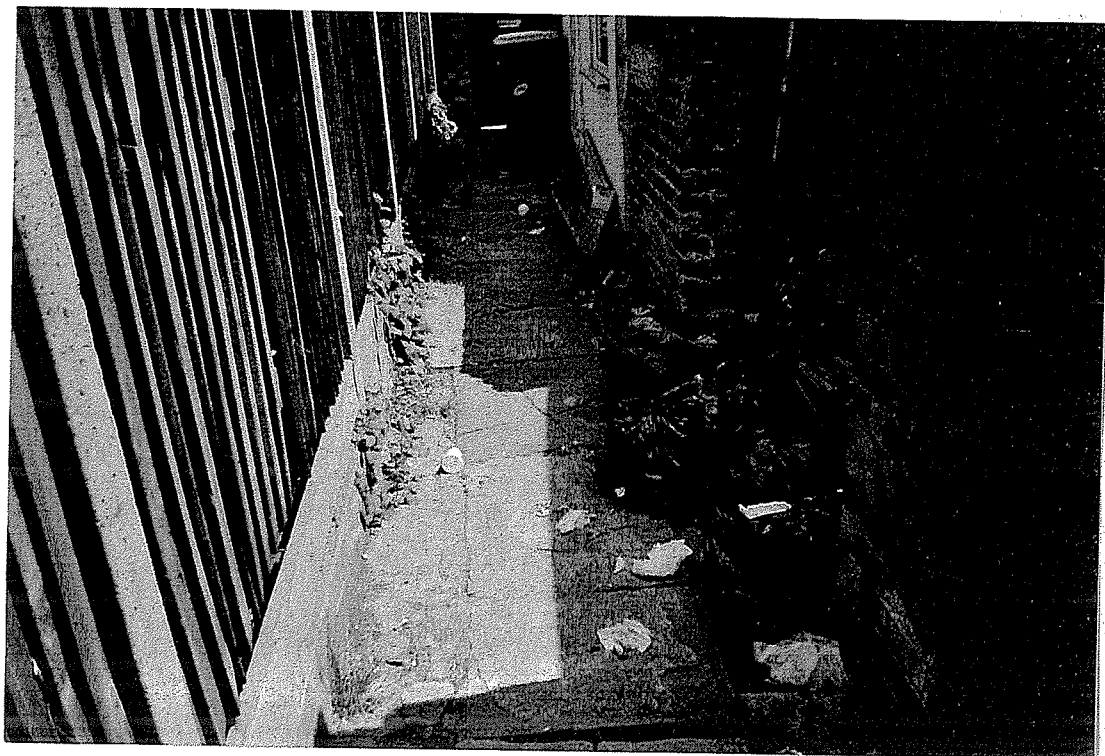


REAR OF 192 SEPT 09  
RUBBISH FROM 2 DAY FIRE



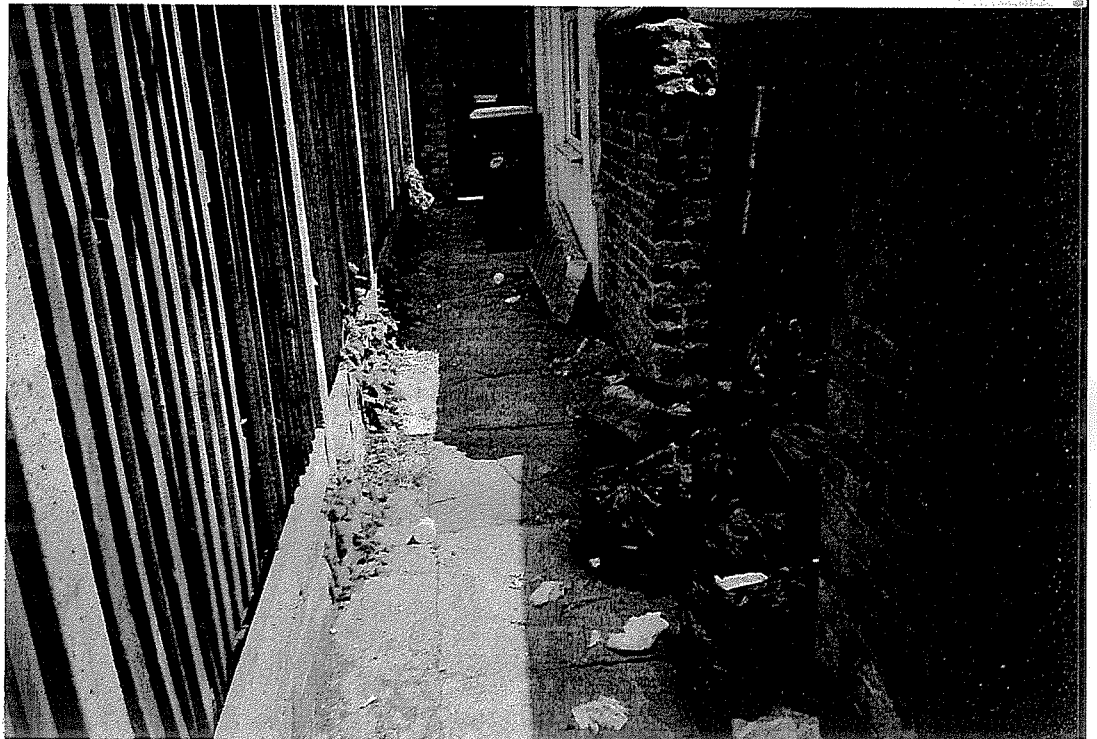
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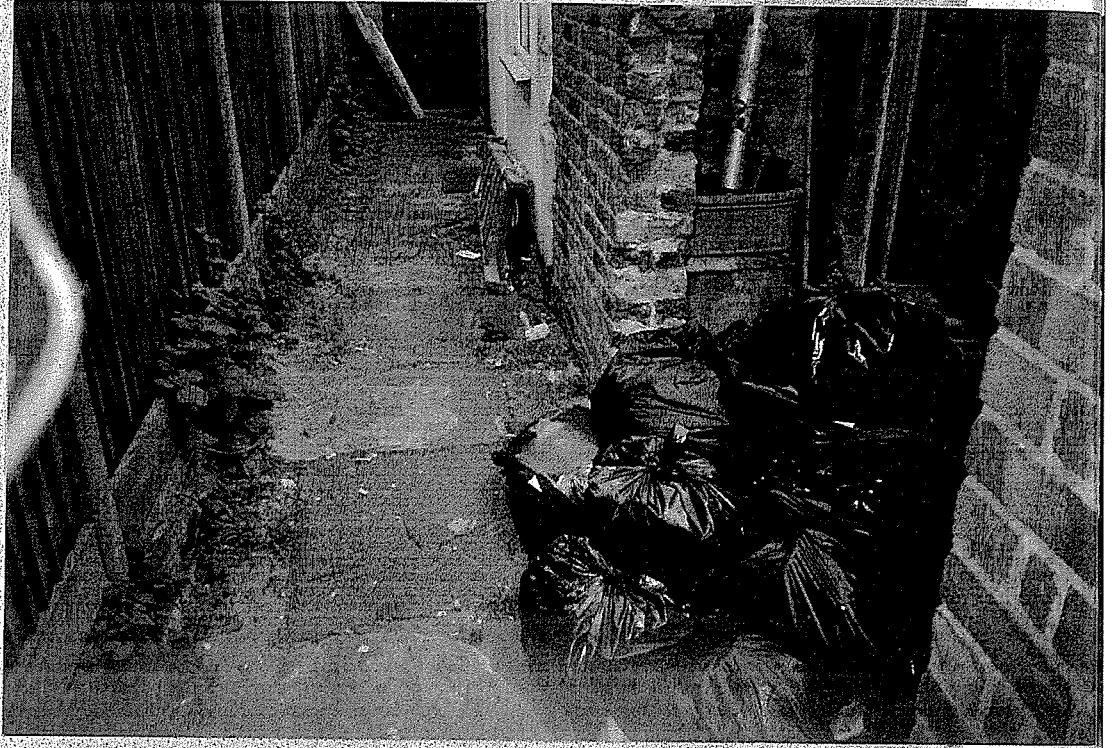
SEC PI Book



1516109

SEC PI Book





MONDAY 15/6/2009: REF RUBISH & SEE P. OF BOOK

300 214 \*\*\*\*\* 27/06/09 09:19 2 545K 020 7281 1618 003-001

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SEC PI Book



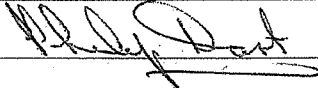
WE REQUEST A REVIEW OF  
192 STROUD GREEN ROAD N44DA

28 SEPTEMBER 2009

1

PHILIP DART

4B STAPLETON HALL ROAD N43QD MOBIL 07904961059



2

CHRIS JOHNSON

8 STAPLETON HALL ROAD N4 3QD

3

AL JOHNSON

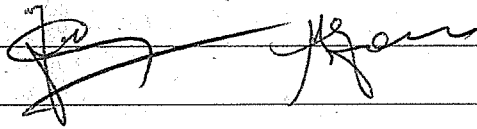
8 STAPLETON HALL ROAD

N4 3QD

4

Peter JANI & Mercedes JANI

194 B Stroud Green Rd N4 3RN



5

PEDRO SANTOS

188A STROUD GREEN ROAD N4 3RN

