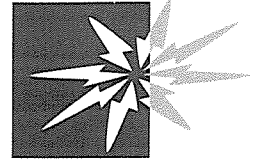


APP 3

**COPY OF LICENSING SUB COMMITTEE
DECISION ON VARIATION APPLICATION**



Date: 15th May 2009

Our ref:

Direct dial: 020 8489 8232

Email: Daliah.barrett@haringey.gov.uk

For a large print copy contact 020 8489 8232

LICENSING ACT 2003

**KARMENZ BAR AND RESTAURANT – 192 STROUD GREEN ROAD,
LONDON N4**

I write to advise you of the outcome of the Licensing Committee hearing that took place on 14TH May 2009.

**KARMENZ WINE BAR AND RESTAURANT, 192 STROUD GREEN
ROAD, LONDON N4 (STROUD GREEN)**

RESOLVED

The Committee considered the representations of the responsible authorities, local residents and the applicant, as well as the licensing objectives and was mindful that this case had a particular emphasis on public nuisance, namely nuisance generated as a result of noise from the premises.

The Committee took on board the issues affecting those individuals and families located near to the premises, especially those where young children reside.

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 set out in pages 35 - 37 of the report, which the Committee noted had been accepted by the applicant. The Committee added the conditions proposed by the applicant in the operating schedule, and added further conditions to those, namely that 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.

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

The Committee would encourage the noise team to be vigilant with ensuring the applicant complies with her responsibilities under the Licensing Act, especially in relation to noise nuisance and would encourage local residents to keep a watchful eye and contact the noise team should they have cause to do so, and they are reminded of the opportunity to review this license at any time once it is in use by the applicant. Please remember 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.

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.

The meeting closed at 21:40hrs.

I have included the outcome of the hearing, if you have any queries please do not hesitate to contact me.

You have the right of appeal against this decision. If you wish to appeal, you must file a notice of appeal at the Magistrates' Court within 21 days of notification of this Decision. The address of the Haringey Magistrates Court is: Haringey Magistrates' Court, Bishops Road, Highgate, London N6 4HS. Please refer to the Licensing Act 2003, section 181 and Schedule 5 for more information about your right of appeal.

If any of the above is unclear or you require further clarification please contact me on 0208489 8232.

Yours sincerely,



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

APP 4

COPY OF ORIGINAL PREMISES LICENCE

PREMISES LICENCE

Receipt: AG763141

Premises Licence Number: LN00002125,
LN000003217

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,
13th July 2007,
22nd August 2007

Part 1 – PREMISES DETAILS

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

**KARMENZ RESTAURANT
192 STROUD GREEN ROAD
LONDON
N4 4DA**

Telephone: 020 7263 6161

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Supply of Alcohol

Provision of Late Night Refreshment

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

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

The opening hours of the premises:

The premises 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

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

Supply of alcohol for consumption **ON** the premises, as an ancillary to a meal

Part 2

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

Carmen Singh
28 Park Ridings
Hornsey
London
N8 0LD

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:

Carmen Singh
28 Park Ridings
Hornsey
London
N8 0LD

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

LN/000005477

Issued by: London Borough of Haringey

Expires: 5th August 2017

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.

RESTAURANT CONDITIONS:

Intoxicating liquor shall not be sold or supplied on the premises otherwise than to persons taking table meals there and for consumption by such a person as an ancillary to his meal.

Suitable beverages other than intoxicating liquor (including drinking water) shall be equally available for consumption with or otherwise as an ancillary to meals served in the licensed premises.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

PUBLIC SAFETY

THE PREVENTION OF PUBLIC NUISANCE

Premises will request that customers please leave quietly and respect the neighbours.

THE PROTECTION OF CHILDREN

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

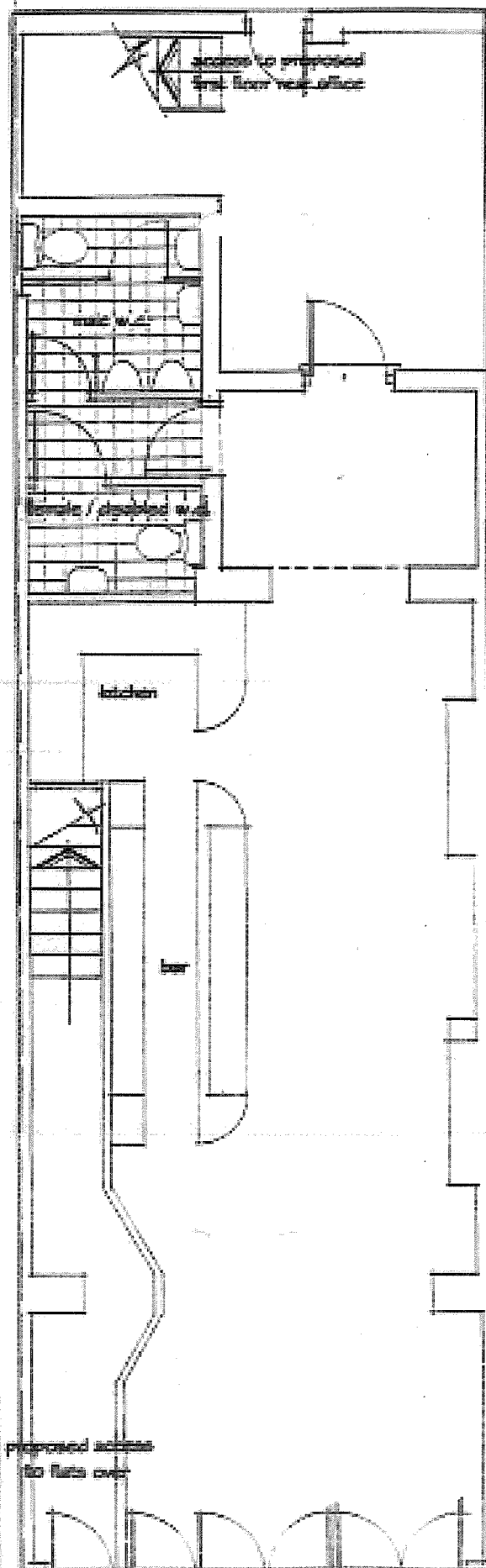
- A valid passport
- A photo driving license issued in a European Union Country
- A proof of age standard card system
- A citizen card, supported by the Home Office

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

That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:

- (i) That the statutory mandatory conditions are imposed.
- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) That the licensing hours shall not exceed those permitted by the planning consent for the time-being enforced.

Annex 4 - Plans



APP 5

COPY OF VARIATION PREMISES LICENCE

VARIATION LICENCE

PREMISES LICENCE

Receipt: AG763141

Premises Licence Number: LN000003217

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Technopark, Ashley Road, Tottenham, London N17 9LN**

Signature:.....

Date: 24TH November 2005,
14th May 2009

Part 1 – PREMISES DETAILS

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

**KARMENZ RESTAURANT
192 STROUD GREEN ROAD
LONDON
N4 4DA**

Telephone: 020 7263 6161

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Supply of Alcohol

Provision of Late Night Refreshment

Provision of Regulated Entertainment: Live and Recorded Music

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

Supply of Alcohol

Sunday 1200 to 2130

Monday to Thursday 1100 to 2330

Friday to Saturday 1100 to 0130

Provision of Late Night Refreshment

Monday to Thursday 2300 to 2330

Friday to Saturday 2300 to 0130

LICENSING ACT 2003

Sec 24

Provision of Regulated Entertainment: Live and Recorded Music

Sunday 1200 to 2130

Monday to Thursday 1100 to 2330

Friday to Saturday 1100 to 0130

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

THE APPLICANT CANNOT USE THE PREMISES LICENCE UNTIL SHE HAS IMPLEMENTED THE SCHEME APPROVED BY THE NOISE CONSULTANT, TO THE SATISFACTION OF THE COUNCIL..

The opening hours of the premises:

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

Sunday 1200 to 2200

Monday to Thursday 1100 to 0000

Friday to Saturday 1100 to 0200

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

Supply of alcohol for consumption **ON** the premises.

Part 2

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

Carmen Singh
28 Park Ridings
Hornsey
London
N8 0LD

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:

Carmen Singh
28 Park Ridings
Hornsey
London
N8 0LD

LICENSING ACT 2003

Sec 24

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

LN/000005477

Issued by: London Borough of Haringey

Expires: 5th August 2017

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

THE PREVENTION OF CRIME AND DISORDER

In order to prevent crime and disorder CCTV cameras will be installed (which are always available for perusal upon request). Door supervisors on duty (badge holders and SIA trained).

PUBLIC SAFETY

Door supervisors will be working in order to maintain public safety both inside and outside premises. Taxis will be called for customers requesting them. Hallways will be well lit.

THE PREVENTION OF PUBLIC NUISANCE

Premises will request that customers please leave quietly and respect the neighbours.

All doors and windows to be kept closed whilst music is playing.

A Noise Monitor will be installed.

Notices will be displayed asking customers to keep noise to a minimum when leaving the venue.

Supervisors will be there to enforce that noise is kept to a minimum.

THE PROTECTION OF CHILDREN

ID will always be asked for if bar staff are in doubt of someone's age.

Children will have to be with an adult at all times whilst on the premises.

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

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

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

INITIAL HEARING

That the Committee grants the application for a conversion and variation of the licence in full and subject to the following conditions:

- (i) That the statutory mandatory conditions are imposed.
- (ii) That conditions to enforce the provisions of the Operating Schedule be applied.
- (iii) That the recommendations of the Child Protection Agency be adhered to.
- (iv) That the licensing hours shall not exceed those permitted by the planning consent for the time-being enforced.

VARIATION HEARING

The Committee added the conditions proposed by the applicant in the operating schedule, and added further conditions to those, namely that 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.

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

Opening hours:

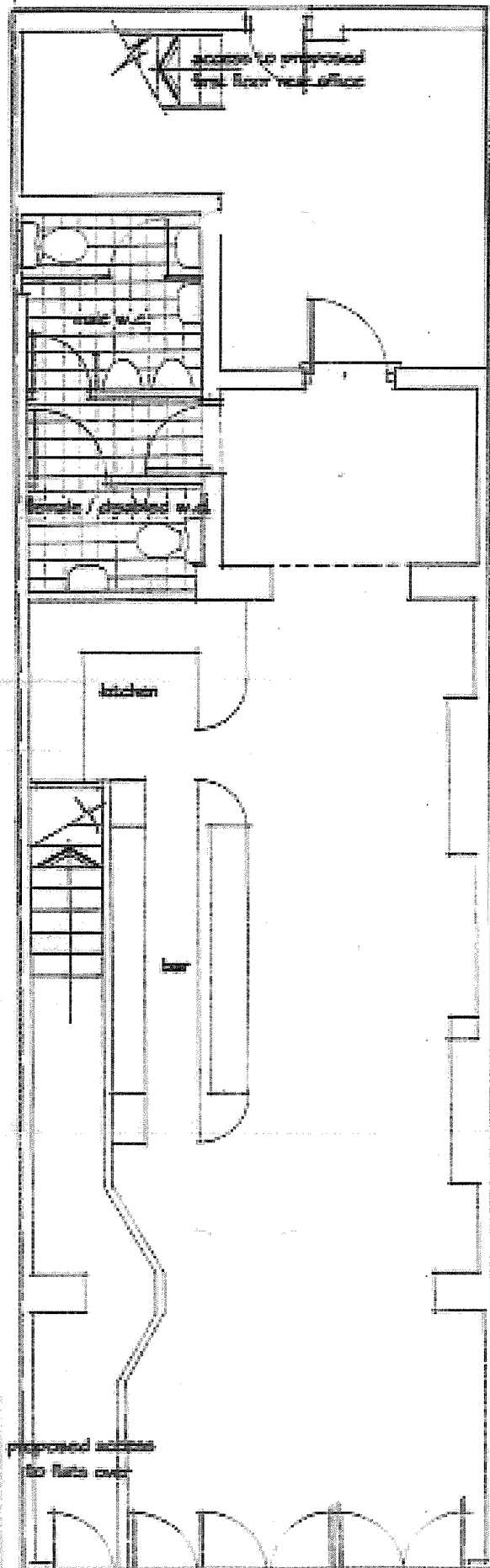
Sunday 1200 – 2200
Monday – Thursday 1100 – 0000
Friday – Saturday 1100 – 0200

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

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.

Annex 4 - Plans



APP 6

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.

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.

APP 7

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

- 23.2 The benefit of this procedure is that it allows investment to be committed to a project at an early stage, in the knowledge that a premises licence will be granted subsequently by the Authority, if all matters in the statement are met.

24.0 Conditions

- 24.1 The Council recognises that the only conditions that should be imposed on a licence are those that are necessary and proportionate to meeting the licensing objectives. There may be circumstances where existing legislation and regulations already effectively promote the licensing objectives.
- 24.2 The steps set out on the Operating Schedule will form the basis of conditions attached to any license granted. If no relevant representation is made, the application will be granted in accordance with the application and subject to conditions which are consistent with the Operating Schedule submitted by the applicant and the relevant mandatory conditions.
- 24.3 If relevant representations are made the Licensing Authority will hold a hearing unless there is agreement from all concerned that a hearing is not required. Where a hearing is held, the Licensing Authority has discretion whether or not to grant the application. If the application is granted, the Licensing Authority may attach or modify the conditions on the license to such extent as it considers necessary for the promotion of the licensing objectives
- 24.4 Where conditions are imposed they will be tailored to the individual style and characteristics of the premises and events concerned. Standardised conditions will not be imposed, but where appropriate the council will draw upon the model pool of conditions issued by the Department for Culture Media and Sport in annex D - H of the guidance issued by the Secretary of State under s182 of the Act. The Council may also impose conditions other than those set out in the annexes in circumstances where this is necessary to properly promote the four licensing objectives and to address problems referred to elsewhere in this Licensing Policy.

25.0 Enforcement

- 25.1 The Licensing Authority will undertake inspections, including joint inspections of premises and enter into other working arrangements with the Metropolitan Police, Fire Authority and other agencies to support the 'licensing objectives'.
- 25.2 Protocols will provide for targeting of agreed problem and high-risk premises, but with a 'lighter touch' to those premises which are shown to be well managed and maintained.

- 25.3 The Council has adopted an enforcement policy in accordance with the Government's 'enforcement concordat'. The key principles of consistency, transparency and proportionality are maintained throughout this policy.
- 25.4 Enforcement action will be taken in accordance with the principles of the enforcement concordat and the licensing enforcement policy. In particular enforcement action will be:
- targeted - i.e. focused on premises and activities that give rise to the most serious risk of the licensing objectives being undermined;
 - consistent - i.e. similar approaches will be taken in similar circumstances to achieve similar ends;
 - transparent - i.e. help applicants, designated premises' managers and anyone else with a duty to comply with licensing requirement understand what is expected and distinguishing between statutory requirements and guidance;
 - proportionate - i.e. action taken will be proportional to the risk of the licensing objectives being undermined.
- 25.5 The Licensing Authority will take appropriate enforcement action when there is a breach of licensing conditions causing significant risk to the licensing objectives. The selection of the most appropriate enforcement action from the options available will be in accordance with the licensing enforcement policy.
- 25.6 The Licensing Authority Enforcement Policy details the various options available in relation to enforcement measures. These measures will include the review of a licence at the request of an authorised person. The Licensing Sub-Committees will have a range of powers at review in order to secure the licensing objectives. These include the withdrawal of an activity from the premises licence, reductions in operating hours and additional conditions being attached to the licence.
- 25.7 The Council's licensing officers will monitor ongoing compliance with licence conditions. Where necessary for this purpose they will carry out inspections. Such inspections may be carried out without prior notice to the occupier or licensee if the licensing officer considers it appropriate in accordance with the law.
- 25.8 The Licensing Authority has produced a joint enforcement protocol in collaboration with the Police and London Fire & Emergency Planning Authority. This details the role of these bodies in the monitoring and enforcement role and will cover the new powers available, for example ;
- Police powers to require the temporary closure of any licensed premises or temporary event on the grounds of disorder, likely disorder or noise constituting a nuisance.