

Licensing Act 2003 Sub-Committee on 13th June 2006

Report title: Application to vary a Premises Licence for Istanbul Restaurant, 441 Green lanes, London, N4 1HA

Report of: The Lead Officer Licensing

Ward(s) affected Haringey

1. Purpose

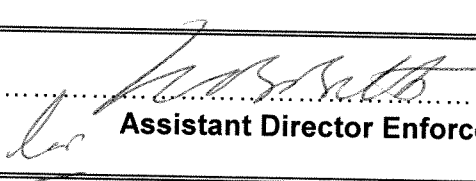
To consider an application by MERT FEDAL POLAT to provide a licensable activity in the form of Supply of alcohol

2. Recommendations

- 2.1 (a) Grant the application as asked
(b) Modify the conditions of the licence, by altering or omitting or adding to them
(c) Reject the whole or part of the application

The Committee is asked to note that it may not modify the conditions or reject the whole or part of the application unless it is necessary to promote the licensing objectives.

Report authorised by: Robin Payne.....


Assistant Director Enforcement Services

Contact Officer: Ms Daliah Barrett

Telephone: 020 8489 5103

3. Executive summary

For consideration by Sub Committee under Licensing Act 2003 for a New Premises licence

4. Access to information:

Local Government (Access to Information) Act 1985
Background Papers

The following Background Papers are used in the preparation of this Report:
File: ISTANBUL RESTAURANT, 441 GREEN LANES, N4

The Background Papers are located at Enforcement Service, Civic Centre, High Road Wood Green N22

5. REPORT

Background

5.1 Application by **MERT FEDAL POLAT**, for a New Premises Licence in respect of **441 GREEN LANES** under the Licensing Act 2003.

5.2 Details of new Premises Licence application

Opening Hours for Public

Monday to Sunday 09.00am to 02.00am

Supply of alcohol

Monday to Sunday 09.00am to 01.30am

OPERATING SCHEDULE

General

1. Intoxicating liquor shall not be sold or supplied on the premise other than to persons taking table meals.
2. Suitable beverages other than intoxicating liquor including drinking water shall be available for consumption on the premises.

5.2 Crime and Disorder

Ensuring staff are properly trained not to serve customers who are intoxicated.

CCTV systems or panic alarm linked with local police.

The CCTV systems will be recording at all times when the premises are open and the recording shall be made available to the police on request.

5.3 Public Safety

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

5.5 Public Nuisance

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

5.6 Child Protection

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt of their age

6.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

6.1 Comments of Metropolitan Police

The Police have no objections to this application.

6.2 Comments of Enforcement Services:

Noise team have not commented on this application.

Food Team

Have no objections to this application

Health and Safety

Health and Safety have not commented on this application.

Trading Standards

Have no objections to this application

6.3 Fire Officer

The Fire Officer has no objection to this application.

6.4 Planning Officer

Planning has commented on this application.

Premise was previously a Social Club, now operating as a Café without planning permission. New international restaurant- requires planning permission. Council's Noise Team took music equipment due to loud music early February 06

6.5. Comments of Child Protection Agency or Nominee

No comments to make on this application.

7.0 Interested Parties

1 letter 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

Application to vary a premises licence under the Licensing Act 2003

AG Book 75

(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. You may wish to keep a copy of the completed form for your records

(2) I/We

MERT ERDAL POLAT being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number

LN00002249

Part 1 - Premises details

Postal address of premises or, if none, Ordnance Survey map reference or description

ISTANBUL RESTAURANT
441 GREEN LAMES
HARINGEY

AG 792735
CHQ £190.00

Post town LONDON

Postcode N4 1HA

Telephone number at premises (if any)

0208 341 7511

Non-domestic rateable value of premises

£ 18,500.00

Part 2 - Applicant details

Daytime contact telephone number

079 666 16269

E-mail address
(optional)

Current postal address if different from premises address

39 RISLEY AVENUE
TOTTENHAM

Post town LONDON

Postcode N17 1HS

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

Part 3 - Variation

Please tick yes

Do you want the proposed variation to have effect as soon as possible?

If not do you want the variation to take effect from

Day		Month		Year					

Please describe briefly the nature of the proposed variation (Please read guidance note 1)

PRESENTLY THERE IS NO SUPPLY OF ALCOHOL ON THESE PREMISES. THE PREMISES HAVE A PROVISION OF LATE NIGHT REFRESHMENT, SUNDAY TO SATURDAY 11:00 PM - 2:00 AM

THE HOLDER OF THE PREMISES LICENCE WISHES TO VARY THE PREMISES LICENCE TO PERMIT THE SALE BY RETAIL OF ALCOHOL BETWEEN THE HOURS: SUNDAY TO SATURDAY 9:00 AM - 1:30 AM.

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend

N/A

Part 4 - Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

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)

Sale by retail of alcohol (if ticking yes, fill in box M)

In all cases complete boxes N, O and P

A

Plays			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	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for performing plays (please read guidance note 4)
Thur			
Fri			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)
Sat			
Sun			

B

Films			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	
Mon			Indoors <input type="checkbox"/> Outdoors <input type="checkbox"/> Both <input type="checkbox"/>
Tue			Please give further details here (please read guidance note 3)
Wed			State any seasonal variations for the exhibition of films (please read guidance note 4)
Thur			
Fri			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)
Sat			
Sun			

C

Indoor sporting events Standard days and timings (please read guidance note 6)			Please give further details here (please read guidance note 3)
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

Boxing or wrestling entertainments Standard days and timings (please read guidance note 6)			Will the boxing or wrestling entertainment take place 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 boxing or wrestling entertainment (please read guidance note 4)		
Wed			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)		
Thur					
Fri					
Sat					
Sun					

E

Live music			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)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
State any seasonal variations for the performance of live music (please read guidance note 4)			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)
Thur			
Fri			
Sat			
Sun			

F

Recorded music			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)			
Day	Start	Finish	Please give further details here (please read guidance note 3)
Mon			
Tue			
Wed			
State any seasonal variations for the playing of recorded music (please read guidance note 4)			Non-standard timings. Where you intend to use the premises for the playing of recorded music at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

G

Performances of dance 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)
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			
Wed			State any seasonal variations for the performance of dance (please read guidance note 4)
Thur			
Fri			Non-standard timings. Where you intend to use the premises for the performance of dance at different times from those listed in the column on the left, please list (please read guidance note 5)
Sat			
Sun			

H

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

Provision of facilities for making music			Please give a description of the facilities for making music you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	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"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for the provision of facilities for making music (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for provision of facilities for making music entertainment at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

J

Provision of facilities for dancing			Please give a description of the facilities for dancing you will be providing
Standard days and timings (please read guidance note 6)			
Day	Start	Finish	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"/>
Mon			Please give further details here (please read guidance note 3)
Tue			State any seasonal variations for providing dancing facilities (please read guidance note 4)
Wed			Non-standard timings. Where you intend to use the premises for the provision of facilities for dancing at different times from those listed in the column on the left, please list (please read guidance note 5)
Thur			
Fri			
Sat			
Sun			

K

Provision of facilities for entertainment of a similar description to that falling within I or J			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 the 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			

Late night refreshment Standard days and timings (please read guidance note 6)			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)
			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 late night refreshment (please read guidance note 4)
Thur			
Fri			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)
Sat			
Sun			

M

Supply of alcohol Standard days and timings (please read guidance note 6)			Will the sale of alcohol be for consumption - please tick box <input checked="" type="checkbox"/> (please read guidance note 7)
			On the premises <input type="checkbox"/> Off the premises <input type="checkbox"/> Both <input type="checkbox"/>
Day	Start	Finish	State any seasonal variations for the supply of alcohol (please read guidance note 4)
Mon	09:00AM	01:30AM	
Tue	09:00AM	01:30AM	
Wed	09:00AM	01:30AM	
Thur	09:00AM	01:30AM	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) NEW YEARS EVE - 31 ST DECEMBER - THROUGHOUT THE NIGHT
Fri	09:00AM	01:30AM	
Sat	09:00AM	01:30AM	
Sun	09:00AM	01:30AM	

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)

NONE

O

Hours premises are open to the public Standard days and timings (please read guidance note 6)			State any seasonal variation (please read guidance note 4)
Day	Start	Finish	
Mon	09:00 AM	02:00 AM	
Tue	09:00 AM	02:00 AM	
Wed	09:00 AM	02:00 AM	
Thur	09:00 AM	02:00 AM	
Fri	09:00 AM	02:00 AM	
Sat	09:00 AM	02:00 AM	
Sun	09:00 AM	02:00 AM	
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)			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking

NONE

Please tick yes

I have enclosed the premises licence

I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes please fill in reasons for not including the licence, or part of it, below

Reasons why I have failed to enclose the premises licence or relevant part of the premises licence

P Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

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

1. INTOXICATING LIQUOR SHALL NOT BE SOLD OR SUPPLIED ON THE PREMISES OTHER THAN TO PERSONS TAKING TABLE MEALS, THERE AND FOR CONSUMPTION BY SUCH PERSONS AS AN ANCILLARY TO THEIR MEAL.
2. SUITABLE BEVERAGES OTHER THAN INTOXICATING LIQUOR INCLUDING DRINKING WATER SHALL BE AVAILABLE FOR CONSUMPTION ON THE PREMISES.

b) The prevention of crime and disorder

(1) ENSURING STAFF ARE PROPERLY TRAINED, NOT TO SERVE CUSTOMERS WHO ARE INTOXICATED.
(2) CCTV SYSTEM, OR PANIC ALARM LINKED WITH LOCAL POLICE
(3) THE CCTV SYSTEM WILL BE RECORDING AT ALL TIMES WHEN THE PREMISES ARE OPEN AND THE RECORDING SHALL BE MADE AVAILABLE TO THE POLICE ON REQUEST

c) Public safety

FIRE SAFETY EQUIPMENT WILL BE CHECKED REGULARLY AND ANY REQUIREMENTS MADE BY THE FIRE SAFETY OFFICER WILL BE COMPLIED WITH.

d) The prevention of public nuisance

SIGNS WILL BE DISPLAYED AT THE EXIT REMINDING CUSTOMERS TO LEAVE QUIETLY AND RESPECT THE NEIGHBOURS.

e) The protection of children from harm

ALL STAFF WILL BE TRAINED THAT ALCOHOL WILL ONLY BE SOLD TO PERSONS WHO CAN PRODUCE PHOTOGRAPHIC IDENTIFICATION WHERE THERE IS ANY DOUBT OF THEIR AGE

Please tick yes

- I have made or enclosed payment of the fee
- I have sent copies of this application and the plan to responsible authorities and others where applicable
- I understand that I must now advertise my application
- I have enclosed the premises licence or relevant part of it or explanation
- 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 5 - Signatures (please read guidance note 10)

Signature of applicant (the current premises licence holder) 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 M. E. POLAT.

Date 28/03/06

Capacity CURRENT PREMISES LICENCE HOLDER

Where the premises licence is jointly held signature of 2nd applicant (the current premises licence holder) or 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 address for correspondence associated with this application (please read guidance note 13)

A. NICOLAOU & CO - SOLICITORS
393 GREEN LANES
HARRINGAY

Post town LONDON

Postcode N4 1EU

Telephone number (if any) 0203 348 8233

If you would prefer us to correspond with you by e-mail your e-mail address (optional)

Notes for Guidance

This application cannot be used to vary the licence so as to extend the period for which the licence has effect or to vary substantially the premises to which it relates. If you wish to make that type of change to the premises licence you should make a new premises licence application under section 17 of the Licensing Act.

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 state 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 i.e 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.

APPENDIX 1A

COPY OF CURRENT PREMISES
LICENCE



PREMISES LICENCE SUMMARY

Receipt: AG774150

Premises Licence Number: LN00002249

This Premises Licence has been issued by:

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

Signature:

Date: 24th November 2005

Part 1 – PREMISES DETAILS

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

**ISTANBUL RESTAURANT
441 GREEN LANES
HARRINGAY, LONDON
N4 1HA**

Telephone: 020 8341 7511

Where the Licence is time limited, the dates:

N/A

Licensable activities authorised by the Licence:

Provision of late night refreshment.

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

Provision of late night refreshment:

Sunday to Saturday

11.00pm-02.00am





PREMISES DETAILS [CONT'D]

The opening hours of the premises:

Sunday to Saturday

11.00pm-02.00am

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

NO supply of alcohol permitted on this premises.

Name, (registered) address of holder of Premises Licence:

Mr Mert Erdal Polat
39 Risley Avenue
Tottenham, London
N17 1HJ

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

Name of designated premises supervisor where the Premises Licence authorises the supply of alcohol:

State whether access to the premises by children is restricted or prohibited:



APPENDIX 2

PLANNING REPRESENTATION

Customer ID 365
Date Received 18 April 2006
Address 1 **Istanbul Restaurant**
Address 2 441 Green Lanes
Address 3 Harringay
Post Code N4 2HA
Object
Approve
Conditions
Type of Licence

Notes Premises was previously a Social Club, now operating as a Cafe without planning permission. New international restaurant - changed from a social club - requires planning permission. Council's Noise Team took music equipment due to loud music early February

Email Date Sent 19-Apr-06

APPENDIX 3

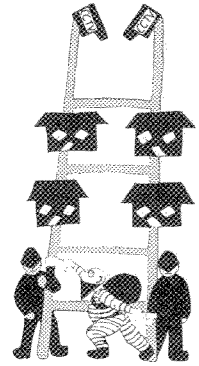
RESIDENT REPRESENTATION

LADDER COMMUNITY SAFETY PARTNERSHIP

Incorporating the Are You Sure? campaign.

P.O. Box 32109 London N4 1GN
Telephone: 07931 761 558

...keeping crime off



the "Ladder"

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

27 April 2006

Dear Ms Barrett

**Variation of a Late-night premises licence: Istanbul, 441 Green Lanes, N4 1HA
for supply of alcohol: 09.00-01.30 (daily) and all night New Year's Eve**

1 INTRODUCTION

The Ladder Community Safety Partnership (LCSP) contains representatives of Neighbourhood Watches and Residents' Associations from the 'Ladder' roads, adjacent to and including Green Lanes, Harringay. 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 supply of alcohol 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 limited way in his application which could indicate a lack of understanding and/or commitment to their importance, particularly given the record of lack of compliance associated with this premises.

2 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 living, working or sleeping in the vicinity of the licensed premises. **The Council is committed to protecting the residents in the vicinity of these licensed premises.**'* [13.1]
- *'in particular, late night activities cause much of this nuisance. Late night cafes ... can have a number of adverse effects on the residents in the vicinity of these premises. Nuisance such as noise, litter, anti-social behaviour, lights and odour all contribute to the loss of amenity to the general public'* [13.2]
- *'the potential for additional crime and disorder and/or public nuisance is increased with longer hours.'* [18.1]
- *'operating hours between 23.00 and 07.00 are considered to give greater potential for noise nuisance'* [18.3]

(b) Alcohol Licence

Residents are concerned at this specific application for an alcohol licence because the applicant's very poor record of compliance over a number of years (see details below) suggests that there is a real possibility that alcohol might be served out of hours or in an irresponsible way. This would have obvious implications for the licensing objectives, especially regarding the prevention of crime and disorder and public nuisance.

(c) The Prevention of Crime and Disorder

We have seen the comments relating to the prevention of crime and disorder put forward by the applicant which largely focus on the use of CCTV. Given the request for a licence for the supply of alcohol, residents would like to highlight the following questions, drawn from App.2 of the borough's Licensing Policy Guidances.

- Responsible drinking: what will and will not be allowed at the premises?
- what practices are/will be in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs, and the supply of illegal drugs?

- methods to discourage the drinking of alcohol in the vicinity the premises?
- procedures to deal with violence and/or anti-social behaviour?

(d) Public Safety

We assume that all staff would be trained to ensure that all safety measures are known and implemented, especially for emergency situations such as evacuation. We also assume that the premises is compliant with all relevant building control rules and regulations.

(e) Prevention of Public Nuisance

There is only one comment from the applicant, stating that *'signs will be displayed at the exit reminding customers to leave quietly and respect the neighbours'*. There are therefore a large number of questions remaining unanswered, in particular:

- the steps taken, or proposed, by the applicant to prevent noise or vibration escaping from the premises (whether music, ventilation equipment or human voices)? The Licensing Policy states that this is *'particularly important in residential areas'*.
- the steps taken, or proposed, to prevent disturbances by customers arriving at, or leaving, the premises? (the Policy states that *'there will be greater responsibilities placed on premises operating between 23.00 and 07.00 than at other times of the day'*)
- the actions necessary to prevent disturbance from deliveries or collections at early or late hours, or staff cleaning up after closing time?

Each of these points has particular significance for local residents in the light of a late-night alcohol licence application, for example, customers who have had alcoholic drinks are far more likely to create noise and disturbance on their departure in the early hours of the morning.

The Borough's Licensing Policy points out the special importance of these issues after 23.00 and in residential areas. (See Appendix 2(3) and 13.2).

(f) Record of Compliance

Throughout the Operating Schedule of the Licensing Policy there are references to the importance of the record of compliance, *'particularly where statutory notices or warning letters have been served'*. In the case of these premises, there is a long and sorry history of lack of compliance.

1. After some months of almost daily noise nuisance, into the early hours of the morning, music amplification equipment was seized, under warrant, by the local authority with the assistance of the police, 13 February 2003
2. Since then the noise nuisance has been less continuous, but has still recurred, eg the Noise Duty Officer attended the premises on 25 November 2004
3. At the Licensing Committee meeting held on 1 March 2005, the late night café licence was removed because:
 - (a) the premises was found to be open, beyond its 2am 2003 licence, on no fewer than seven occasions between 14.11.04 and 6.2.05 (sometimes as late as 3.30am)
 - (b) advertisements had appeared in the local press stating that the premises was

- open until 3am (Sun-Thurs) and 24 hrs (Fri-Sat)
- (c) LBH Enforcement Service had found illegally dumped rubbish from the premises in the street
 - (d) problems with the electricity supply (which had been cut off) led to urgent health concerns from LBH Food Officer who repeatedly visited the premises
 - (e) furthermore an electricity generator had been installed for several weeks in the mews passage behind the premises, causing huge noise nuisance to local residents
4. In December 2004 the premises put up a large and obtrusive brightly lit illuminated sign, at 1st floor level, without seeking Planning Permission. Residents in the adjoining flats have suffered serious loss of amenity (with bright light shining all night into living and sleeping accommodation). The premises was therefore informed of the need to apply for retrospective planning permission. This was refused on 20.9.05, and as the premises has still refused to remove the sign, the matter is with LBH Legal Department for instigating prosecution.
 5. Since the revoking on 1.3.05 of its late night licence (which had permitted opening no later than 2am) the premises should close at 11pm. However it has continued to open regardless: most recently LBH Enforcement recorded it open and trading on:
 - 25.9.05 at 3.20am
 - 1.10.05 at 3.00am
 - 8.10.05 at 3.40am
 6. At the Licensing Sub-Committee meeting held on 8 December 2005, the applicant was granted a premises licence to provide late-night refreshment only, until 2am daily. A condition states that *'all external display signs to be switched off at 2am every night'*, whilst during the meeting the applicant stated *'that he was happy to remove'* an unauthorised illuminated sign. Neither of these things has happened since that meeting, well over 4 months ago. Prosecution is pending (All quotations are from the official Minutes).
 7. A further condition states that *'the opening hours of the premises to be prominently displayed at the entrance to the premises'* Customers have reported seeing no such sign.
 8. On 28 March 2006, local residents noted Council Officers and the metropolitan Police visiting the premises and seizing a quantity of alcohol, for which the applicant presumably lacked permission (the premises licence states *'the licence granted would not permit the sale and/or supply of alcohol at any time'*).
 9. Local residents have noted the premises with customers inside long after the 2am closure time on numerous occasions since 8 December 2005.

In the light of this repeated, consistent and still continuing lack of compliance, over a number of years, we have serious reservations about the present application with regard to the sale of alcohol

3. CONCLUSION

Our comments and objections obviously make clear that residents are very concerned at the possible implications of the sale of alcohol at these premises. We believe that in the light of the numerous examples of lack of compliances cited above, it is entirely possible that alcohol

might be served out of hours or in an irresponsible manner. Given these circumstances we urge the Sub-committee to make a very careful assessment of the danger of possible breaches to the Key Licensing Objectives which could be caused by the granting of this application

Yours sincerely

A handwritten signature in black ink, appearing to be the initials 'JA' or similar, written in a cursive style.

on behalf of the LCSP

[Approved by the representatives of Neighbourhood Watches and Residents' Associations in the following Roads:]

Representation from Green Lanes and the following Roads:

Umfreville Road	Woollaston Road
Burgoyne Road	Cavendish Road
Pemberton Road	Warham Road
Seymour Road	Hewitt Road
Allison Road	Beresford Road
Effingham Road	Fairfax Road
Falkland Road	Lausanne Road
Hampden Road	Sydney Road