

#### 4. REPORT

##### Background

Multiple breaches of conditions listed on current premises licence. Enforcement Response have not been satisfied that the required conditions have been met.

##### Licensable activities authorised by the Licence:

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

##### The Provision of Regulated Entertainment:

##### Plays & Films

Monday to Saturday	1900 to 2300 hours
Sunday all licensable activities will cease at	2200 hours

Live Music, Recorded Music, Performances of Dance, Provision of facilities for dancing & Provision of facilities similar to that of making music or dancing

Thursday to Saturday	1900 to 2300 hours
Sunday	1900 to 2200 hours

New Years Eve and Christmas Eve:	1900 to 0200 hours
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##### Provision of Late Night Refreshment:

New Years Eve and Christmas Eve only:	2300 to 0200 hours
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##### Supply of Alcohol:

Monday to Saturday	1900 to 2230 hours
Sunday	1900 to 2130 hours

New Years Eve and Christmas Eve:	1900 to 0130 hours
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The designated premises supervisor is: Mr Hasan Ozoncu

#### 4.2.1 Details of the Application for Review and Supporting Documentation. Appendix 1

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

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Public Nuisance.

The license was granted by a Licensing Sub Committee subject to certain conditions being met. The premises licence holder was unable to make use of the license until such time the conditions imposed in relation to the prevention of public nuisance were satisfactorily completed. The licensing Authority have not been advised of these measure being carried out since the grant of the license.

## 5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

### Responsible authorities:

### 5.1 Comments of Metropolitan Police

No representation made.

### 5.2 Comments of Regulatory Services:

Have made representation regarding this application. **APP1**

### 5.3 Comments of The London Fire and Emergency Planning Authority

No representation made

## 6.0 Comments of Interested Parties

Letter of representation have been received against this application **APP2**

## 7.0 POLICY CONSIDERATIONS

### 7.1 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 objectives, which are:

1. Take no further action
2. modify the conditions of the license
3. exclude a licensable activity from the scope of the license
4. remove the designated premises supervisor
5. suspend the license for a period not exceeding three months
6. 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.

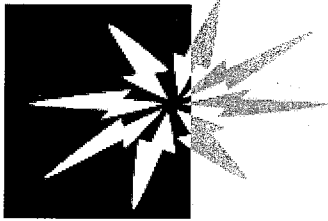
The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any party to the proceedings may appeal against the decision of the Licensing Sub Committee.

### 8.0 The following provisions of the Secretary of State's guidance apply to this application: Paras 2.33-2.40, 8.60, 11.5. These provisions are attached at **Appendix 3.**

- 8.1 The following paragraphs of the licensing authority's Statement Of Licensing Policy apply to this application; page 24 'Public nuisance', these provisions are attached at **Appendix 4**.
- 8.2 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.

## **APPENDIX 1 – APPLICATION BY ENFORCEMENT RESPONSE**

WK/22514



Haringey Council

Contact us | Online services

A | B | C | D | E | F | G | H | I | J | K | L  
 M | N | O | P | Q | R | S | T | U | V | W  
 X | Y | Z



## Review of Premises Licence or Club Premises Certificate

Please confirm the details you have entered

Please check the information below. If you want to make any amendments, please use the 'Previous Page' button and make your changes. If you are happy with it, press 'Submit Request' to send this form to us.

### Part 1 - Premises details

<b>Premises address</b>	628-630 Turkish Cypriot Community Association Green Lanes Hornsey London N8 0SD
<b>Telephone number at premises</b>	020 8826 1080 <i>if any</i>
<b>Name of premises licence holder or club holding club premises certificate</b>	<i>if known</i>
<b>Number of premises or club premises certificate</b>	00007857 <i>if known</i>

### Part 2 - Applicant details

**Please state whether you are applying for a premises licence as** 2) a responsible authority

### (C) Details of Responsible Authority applicant

<b>Name</b>	George Roberts
<b>Address</b>	Lee Valley Technopark  Ashley Road Tottenham London N17 9LN

**Contact details**

Tel: 020 8489 5238  
Tel:  
Fax:  
Email: george.roberts@haringey.gov.uk

**P - Licensing Objectives**

This application to review relates to the following licensing objectives(s)

- 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**

**If there is not enough space here, you can upload an additional document on the 'supporting documents' page**

**Please provide as much information as possible to support the application**

**If there is not enough space here, you can upload an additional document on the 'supporting documents' page**

Multiple breaches of conditions listed on the current premises licence. We the relevant responsible authority have not been satisfied that the required conditions have been met in the section of the licence which states "The premises licence is granted only once the Licensing Authority has provided written confirmation to the Applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the Responsible Authorities". This has not been ratified by Licensing. *The ground(s) for review must be based on one of the licensing objectives*

*Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.*

**Previous reviews**

**Have you made an application for review relating to these premises before?** No

**Equal opportunities information**

**What is your ethnic group? (Please select one option from the drop-down list)**

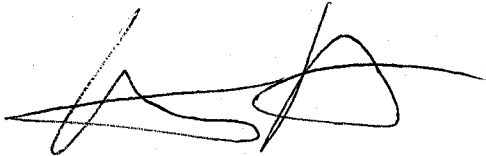
**If 'other', please specify**

**Do you consider that you have a disability?**

**Your gender**

**I understand that I must print the application form and send my signed printout to the Licensing Team, to validate this application. \***

Submit Application



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12/9/12

LICENSING ACT 2003  
Sec 24  
Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: George Roberts

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK225141

Date: 6<sup>th</sup> October 2012

Premises: Cyprus Kitchen, 628-630 Green Lanes, London, N8 0SD

Type of application: Review

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Introduction

The premises have been operating outside of their current premises licence and we have noted breaches of the licence and licence conditions. Little apparent effort has been made to address the items, especially those conditions which appear to have the most impact on local residents with regard to noise nuisance.

We have requested a review of the premises licence to address the lack of progress on these issues and disregard of licensing requirements, and conditions imposed by the licensing sub-committee when the premises licence was originally issued.

No communication has been sent from us (the responsible authority) to grant the current premises licence, and the premises have been operating as though the licence has been granted throughout the period since it was issued, even after being warned. This means that the premises has been operating under a license that has not been validated and licensable activity taking place has effectively been unlicensed/unauthorised.

In making this review we are seeking clarification on the terms of the Premises Licence to ensure that the Premises Licence holder promotes the Prevention of Public Nuisance.

We have reproduced the Premises Licence below with our comments [square brackets] below

**PREMISES LICENCE**

Receipt: AG946925

Premises Licence Number: LN00007857

*This Premises Licence has been issued by:*

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



Signature: .....

Date: 29<sup>th</sup> January 2010

**Part 1 – PREMISES DETAILS**

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

**TURKISH CYPRIOT COMMUNITY ASSOCIATION  
628-630 GREEN LANES  
HARINGEY  
LONDON N8 0JD**

**Where the Licence is time limited, the dates:**

The premises licence is granted only once the Licensing Authority has provided written confirmation to the Applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the Responsible Authorities.

*[No written confirmation has to date been provided and therefore the premises licence according to the wording is not granted. This apparent discrepancy needs to be clarified]*

**Licensable activities authorised by the Licence:**

**The Provision of Regulated Entertainment: Plays, Films, Live Music, Recorded Music, Performances of Dance, Provision on facilities for dancing and Provision of facilities similar to that of making music or dancing**

**Supply of Alcohol**

**Provision of Late Night Refreshment**

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

**The Provision of Regulated Entertainment:**

**Plays & Films**

<b>Monday to Saturday</b>	<b>1900 to 2300 hours</b>
<b>Sunday all licensable activities will cease at</b>	<b>2200 hours</b>

**Live Music, Recorded Music, Performances of Dance, Provision of facilities for dancing & Provision of facilities similar to that of making music or dancing**

<b>Thursday to Saturday</b>	<b>1900 to 2300 hours</b>
<b>Sunday</b>	<b>1900 to 2200 hours</b>

<b>New Years Eve and Christmas Eve:</b>	<b>1900 to 0200 hours</b>
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**Provision of Late Night Refreshment:**

<b>New Years Eve and Christmas Eve only:</b>	<b>2300 to 0200 hours</b>
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**Supply of Alcohol:**

LICENSING ACT 2003  
Sec 24

Monday to Saturday 1900 to 2230 hours  
Sunday 1900 to 2130 hours

New Years Eve and Christmas Eve: 1900 to 0130 hours

**The opening hours of the premises:**

Monday to Friday 0900 to 2300 hours  
Saturday 1200 to 2300 hours  
Sunday 1200 to 2200 hours

New Years Eve and Christmas Eve: 0900 to 0200 hours

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

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

**Part 2**

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

Turkish Cypriot Community Association  
628-630 Green Lanes  
Haringey  
London N8 0JD

Telephone: 020 8826 1080

E-mail: info@tcca.org

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

1080926

**Name, address and telephone number of designated premises supervisor where the Premises Licence authorises the supply of alcohol:**

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

Z01N1048FL/1

Issued by: London Borough of Waltham Forest

Expires: 09/07/2019

## **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.

### **Exhibition of films:**

(2) Where the film classification body is specified in the licence, unless subsection (3) (b) applies, admission of children must be restricted in accordance with any recommendation made by that body.

(3) Where-

- (a) the film classification body is not specified in the licence, or
  - (b) the relevant licensing authority has notified the holder of the licence that this subsection applies to the film in question,
- admission of children must be restricted in accordance with any recommendation made by that licensing authority.

(4) In this section-

“children” means persons aged under 18; and

“film classification body” means the person or persons designated as the authority under section 4 of the Video Recordings Act 1984.

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **THE PREVENTION OF CRIME AND DISORDER**

Measurements will be taken to avoid any incidents by introducing a calming period during the last one hour of events. During the calming periods the music will be lowered and attendants to the event will be encouraged/warned to leave the premises quietly at the end of the events to avoid disturbance to the neighbours. Also during the events over consumption of alcohol will not be allowed.

### **PUBLIC SAFETY**

Turkish Cypriot Community Centre will have an up to date risk assessment and will have achieved all the recommendations. There will also be a health and safety policy in place which will be used on a day to day basis.

### **THE PREVENTION OF PUBLIC NUISANCE**

The building will be sound insulated and visitors will be warned to leave the building quietly to ensure that nearby residents are not disturbed.

### **Acoustic Sound Insulation**

Acoustic Sound Insulation will be provided to all external walls of the licensable area of the property in order to eliminate the noise disturbance and acoustic sound test certificates will be provided to the relevant council departments.

*[evidence of sound Insulation provided to external walls and acoustic sound test certificates have not been provided]*

### **Operating hours**

That regulated entertainment ceases no later than 23:00 on Monday through Saturday and no later than 22:00 on Sunday.

### **Prevention of nuisance from noise/vibration**

All doors and windows will remain closed during the regulated entertainment licensed activities.

The doors leading to the rear garden will be kept shut during the regulated entertainment licensed activities and used only for emergency egress

Adequate and suitable mechanical ventilation should be provided to public areas

*[evidence of suitable mechanical ventilation has not been provided]*

## **Annex 2 – Conditions consistent with the Operating Schedule**

### **Structure borne noise**

*All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties*

### **Sound limits**

*The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property*

*All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager*

*All sound systems and equipment will be connected to this sound level checking and limiting equipment by a professional sound engineer and the report obtained from the sound engineer will be submitted to the Noise Team.*

*[confirmation that a limiting device has been fitted and set up is requested]*

### **Outside Areas**

*No music will be played in, or for the benefit of patrons in external areas of the premises*

*No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises*

*Signs shall be displayed in the external areas/on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly.*

*The rear garden/frontage will be out of bounds to members of the public / users of the premises whilst regulated entertainment is in progress.*

### **Plant and machinery**

*All plant and machinery is correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise*

### **Dealing with complaints**

*A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers*

*Regular quarterly liaison meetings will be held to enable neighbours to raise concerns about any aspect of the licensed activities where this is requested by any local resident.*

### **Patrons entering/exiting premises.**

*Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner*

### **Prevention of nuisance from light**

*Security lights will be positioned to minimise light intrusion to nearby residential premises*

*The Applicant is also to supply two contact telephone numbers that local residents may use to report any complaints. Those numbers must be available during the licensable hours.*

## **THE PROTECTION OF CHILDREN**

*Turkish Cypriot Community Centre will have a Child Protection Policy in place.*

## **Annex 2 – Conditions consistent with the Operating Schedule**

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**

#### **RESOLVED**

To grant the application by Turkish Cypriot Community Association, 628-630 Green Lanes, London N8 0JD, to allow Provision of Regulated Entertainment, Supply of Alcohol and Provision of Late Night refreshment at the premises as follows:

#### Provision of Regulated Entertainment:

##### Plays & Films

Monday to Saturday 1900 to 2300 hours  
Sunday all licensable activities will cease at 2200 hours

#### Live Music, Recorded Music, Performances of Dance, Provision of facilities for dancing & Provision of facilities similar to that of making music or dancing

Thursday to Saturday 1900 to 2300 hours  
Sunday 1900 to 2200 hours

New Years Eve and Christmas Eve: 1900 to 0200 hours

#### Provision of Late Night Refreshment:

New Years Eve and Christmas Eve only: 2300 to 0200 hours

#### Supply of Alcohol (for consumption ON the premises):

Monday to Saturday 1900 to 2230 hours  
Sunday 1900 to 2130 hours

New Years Eve and Christmas Eve: 1900 to 0130 hours

#### Opening Hours

Monday to Friday 0900 to 2300 hours  
Saturday 1200 to 2300 hours  
Sunday 1200 to 2200 hours

New Years Eve and Christmas Eve: 0900 to 0200 hours

*[The following sections should be clarified to ensure that there is no doubt in regard to the position of the conditions of the Licence]*

The conditions outlined by the Noise Team for the prevention of public nuisance (as set out on pages 46 and 47 of the agenda pack) are to be imposed together with the conditions set out by the Applicant in the operating schedule and the Applicant's letter to the Environmental Health Officer, dated 21<sup>st</sup> January 2010, including air-conditioning.

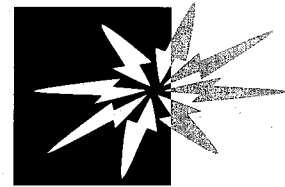
The Applicant is also to supply two contact telephone numbers that local residents may use to report any complaints. Those numbers must be available during the licensable hours.

For the avoidance of doubt; the premises licence is to be granted only once the Licensing Authority has provided written confirmation to the Applicant that it has been satisfied that all the required conditions have been met to the satisfaction of the Responsible Authorities.

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

The licence will be subject to a review if the conditions are not met.





**Haringey Council**

Supporting Information

Table Below Shows Incidents Listed after 29<sup>th</sup> January 2010 when Licence issued

Date reported & time	Subject	Observations & time	Outcome	Our Ref
3/2/10 @2034 hrs	Car horns + Loud voices	@2041 Complainant called back	Noise had stopped	119298 (30)
19/5/10 @2116 & @2126 hrs	Loud music	@2210 Visit made by enforcement officer	Statutory nuisance not established	119298 (33 & 34)
2/6/10 @1956 & @2005 hrs	Loud music	@2022 Visit made by enforcement officer – Centre management advised that complaints received	Statutory nuisance not established	119298 (31 & 32)
13/6/10 @1705 & @1745 hrs	Loud music	@1750 Enforcement officer visited and could hear and see some people in the rear garden of the property. Some noise from children also - Enforcement officer visited other complainant at 1755 hrs and made observations from rear of the Cyprus Kitchen premises. Observed people came and went from inside the premises out to the rear garden. Kids playing running around etc. Rear doorway open. No other noise heard. After about 20 mins officer went round to the Cyprus Kitchen premises and spoke to a Mr Hassan. He explained that there had been a meal for a group of people who were going off to "Mecca" on a religious trip. There had been no entertainment, no party, just a gathering for a meal. There was no evidence of any licensable activities at all. Mr Hassan was aware of the requirements for sound insulation and air conditioning etc. No "events" were planned until such works completed and authorization given to go ahead	Statutory nuisance not established	119298 (35 & 36)
21/6/10 @2232 & @2245 hrs	Loud music	@2321 & @2325 Complainants called back	Noise had stopped	119298 (37 & 38)
10/7/10 @1207 hrs	Noise from venue	@2041 Complainant called back	Noise had stopped	119298 (39)
9/10/10 @1959 & @2022 hrs	Loud music	@2140 Enforcement officer visited and observed rear door of venue was closed, no noise heard. Officer entered the Cyprus Kitchen, tables set out for a meal for lots of people. No sign of alcohol being consumed, no sign of any licensable entertainment having taken	Statutory nuisance not established	119298 (40 & 41)

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

		place. No further action taken		
1/1/11 @0210 hrs	Loud music	@0221 Complainant called back	Noise had stopped	119298 (42)

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

8/1/11 @2242 & @2337 hrs	Loud music	@2349 Enforcement officer visited, no noise heard. Observed several tables set up in rows for a sit down meal. Nobody seated and only staff clearing up, customers had left. There were some musical instruments stacked at the side of the room. They were not set up as if ready for use. No music heard. No further action taken	Statutory nuisance not established	119298 (43 & 44)
30/1/11 @0105 hrs	Loud music	@0203 Enforcement officer visited and observed that premises was quiet, last few people just leaving	Statutory nuisance not established	119298 (45)
24/6/11 @2105 & @2115 & @2118 & @2207 hrs	Loud music	@2236 Enforcement officer visited complainant but noise witnessed was not excessive all through the visit. Officer then went to Cyprus Kitchen and got management to shut the only door that they left open at the rear	Statutory nuisance not established	119298 (46, 47, 48 & 49)
8/1/12 @2008 & @2040 hrs	Loud music	@2100 Enforcement officer visited and music from Cyprus Kitchen could be heard clearly in Harringay Gardens. However in complainant's premises the music was not loud enough in the officer's opinion to be considered a statutory nuisance. Officer then spoke to manager of premises Mr Ali Osman and cautioned him (See pages 81 to 83 from Caution Notebook of George Roberts) in relation to unlicensed regulated entertainment. Loud music was stopped by manager and he was informed by the officer that a report would be made which would likely result in further action regarding the incident	Statutory nuisance not established + Licensing warning letter dated 30/1/12	119298 (50 & 51)
19/2/12 @1819 & @1843 & @2029 & @2245 hrs	Loud music	@2010 Enforcement officer visited and observed some low level music, not a nuisance. Enforcement officer revisited at 2100 hrs could hear a low level bass noise, but it wasn't a nuisance. However the officer went to the Cyprus Kitchen and spoke to a Mr Osman, licence holder. There was a wedding going on in the rear room with live music and a live singer using a microphone. Mr Osman said he regretted allowing the booking and said he had made it clear to the people renting the hall that the music finish at 10 pm. He was having problems controlling the event. He also said there was very	Letter sent regarding proposal to review premises licence in relation to the licensing objective of public nuisance - letter dated 21/2/12.	119298 (52, 53, 54 & 55)

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

		<p>little English spoken by the people at the party. He did say that he would make sure it stopped at 10 pm. he would control the music level as best he could, but whenever he turned down the sound level on the mixer, they turned it up again. There didn't seem to be a limiter in use. Enforcement officer revisited at 2335 hrs and some music heard, which was not loud enough in his opinion to be a nuisance, however, event seemed to be continuing after licensed hours. Officer went round to the premises and spoke again to Mr Osman, who said he had been trying to get the people to stop and leave but without success. He had not called police. Officer removed the power cables to the amp and keyboard and explained to the party goers that the event should have finished at 10 pm. They were fairly argumentative and things got a little heated, but people did begin to leave. Although Mr Osman had tried to stop the event at the time the licence required, he had failed to do so and had taken no further action, i.e. calling police. He said to officer that he fully regrets having had the event and said he wouldn't have any more. He did seem remorseful but officer did point out to him that it is his responsibility to end such events and as such it is he that could be in trouble in such circumstances</p>		
<p>24/6/12 @1928 &amp; @2139 &amp; @2152 hrs</p>	<p>Loud music + Loud voices</p>	<p>@1938 &amp; @2202 &amp; @2208 &amp; @2329 Complainants called back</p>	<p>Noise had stopped</p>	<p>119298 (56, 57 &amp; 58)</p>
<p>7/7/12 @1934 &amp; @1943 hrs</p>	<p>Loud music</p>	<p>@2034 Enforcement officer visited complainant but music coming from the Cyprus Kitchen was not loud enough to be a statutory nuisance although it was noted that window open at rear. At 2047 hrs officer then spoke to Mr Ali Osman (manager) and discussed problem. Officer also examined the premises licence and after noting section headed "Where the Licence is time limited, the dates", requested to see</p>	<p>Multiple breaches of premises licence leading to current premises licence review</p>	<p>119298 (59 &amp; 60)</p>

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

		<p>letter from licensing confirming that all conditions had been met to their satisfaction. Mr Osman could not show me any such letter and the officer confirmed that the premises did not have a TEN authorising licensed activity for the night. Mr Osman was either carrying out unlicensed activity if licence not granted (even though issued) or there were multiple breaches of the premises licence which had been issued which are as follows:</p> <ul style="list-style-type: none"><li>• No acoustic sound test certificates available to prove any sound insulation had been installed – Breach in section “Acoustic Sound Insulation”</li><li>• Rear window open during regulated entertainment – Breach in section “Prevention of nuisance from noise/vibration”</li><li>• No mechanical ventilation in premises – Breach in section “Prevention of nuisance from noise/vibration”</li><li>• No anti-vibration mountings on speakers being used for regulated entertainment in venue – Breach in section “Structure borne noise”</li><li>• Music although not a statutory nuisance could be heard and was “audible” in complainants property – Breach in section “Sound limits”</li><li>• Musicians were plugged directly into</li></ul>		
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**Annex 3 – Conditions attached after a hearing by the licensing authority**

		<p>their own amplifiers and speakers not using in house amplification system – Breach in section “Sound limits”</p> <ul style="list-style-type: none"> <li>• No report received from a professional sound engineer regarding the connection of “sound level checking and limiting equipment” - Breach in section “Sound limits”</li> <li>• No visible signs on frontage exterior or in interior of premises requesting patrons “respect neighbours and behave in a courteous manner” – Breach in 2 sections titled “Outside areas” and “Patrons entering/exiting premises”</li> <li>• No complaints book available – Breach in section “Dealing with complaints”</li> <li>• Complainant said that contact telephone numbers had not been provided by venue for use during licensable events – Breach in section “Prevention of nuisance from light”</li> </ul> <p>Officer advised Mr Osman that report to be made, but that as event taking place was a wedding he was required to reduce music volume and keep windows shut. Complainant said windows were still open when updated of visit and officer re-entered Cyprus Kitchen to confirm windows were shut</p>		
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### Annex 3 – Conditions attached after a hearing by the licensing authority

Table Below Shows Incidents Listed Before 29<sup>th</sup> January 2010 When Licence Issued

Date reported & time	Subject	Observations & time	Outcome	Our Ref
15/12/06	Loud music	N/A	Warning letter issued regarding loud music.	Predates changeover to M3 but noted on officers observation reports
24/2/07 @2114 hrs	Loud music + Voices	@2135 Offer of visit declined	Noise had stopped	21426
9/6/07 @2117 & @2140 hrs	Loud music	@2259 Officer visited complainant's premises and noise was not a problem – Officer then went to source of noise and discussed problem with party host	Statutory nuisance not established	36259 + 34568
26/10/07 @2218 hrs	Loud music + Voices	Officer visited (time not confirmed but somewhere between 2218 hrs & 2300 hrs) some music and voices heard when in complainant's rear bedroom. not a nuisance, but we visited the Cyprus kitchen and spoke to a Mr Hassan, organiser. Over 100 people in rear room having meal with music. music will be going off at 2300hrs music will be turned down until then	Statutory nuisance not established	52104
21/12/07	Loud music + Voices	@2213 Complainant called back	Noise had stopped	58847
30/3/08 @1633 & @1706 & @1719 hrs	Loud music + Voices	@1720 Officer visited complainant, music level had gone down, Officer visited Cyprus Kitchen and gave advise re keeping both rear porch door open, advised to ensure one is always closed to prevent noise escaping.	Statutory nuisance not established	69908 + 69906 + 69909
12/4/08 @2107 & @2208 hrs	Loud music	@2223 Officer visited complainant and heard loud intrusive music in their bedroom – Officer then visited Cyprus Kitchen and spoke to the man in charge who had music turned off – Officer advised on levels of music – Officer enquired if the premises had a licence for entertainment and was told that the owner was looking into it – Officer then served noise abatement notice on man in charge.	EPA Section 80 Noise abatement notice served + Licensing warning letter re unauthorised regulated entertainment dated 14/4/08	71480 + 71486

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

10/5/08 @2100 & @2139 hrs	Loud music	@2226 Officer visited area – Music could be heard from outside front of premises – Officer then entered Cyprus Kitchen and went to the rear of the premises and noticed that both porchway doors to garden/yard were wide open – Officer then spoke to manager and reminded him that one or both porch doors should be shut when playing music – Officer was informed that because premises had no air conditioning the doors were open to let air in – Officer told them to shut doors and keep music volume down and that report would be made	Nuisance confirmed - Reported	75714 + 75718
11/5/08 @1800 & @1800 &	Loud music	@1915 & @1920 Complainants called back	Noise had stopped	77606 + 77611
11/5/08 @1957 & @1959 & @2049 hrs	Loud music	@2125 Officer visited complainant's property and loud intrusive music witnessed coming from Cyprus Kitchen – Officer then visited Cyprus Kitchen and spoke to Mrs Turkey Hadji-Filippou a committee member and served a noise abatement notice – Music volume was reduced and rear porch door closed.	EPA Section 80 Noise abatement notice served	77921 + 77930 + 77616
20/6/08 @2311 & @2313 hrs	Loud music + Car horns + Loud voices	@0059 Officer visited	Statutory nuisance not established	79906 + 79907
23/6/08 @2154	Loud music + Loud voices	@2210 Complainant called back	Noise had stopped	80224
29/6/08 @1505 hrs	Loud music	@1640 Officer visited and observed BBQ going on at the Cyprus Kitchen. Tables and chairs set out in rear garden. Heard some loud music for about 7 minutes. Not long enough to take action on. Officer went to the Cyprus Kitchen and spoke to a lady who said she was in charge. Officer then tried to explain to her about the loud music, which had been played on a small stereo near the open rear doors, and was still switched on. A group of people then surrounded officer and began arguing about whether the noise was too loud etc. Officer decided to leave as the situation was getting out of hand, and he was working alone	Statutory nuisance not established	80957
5/10/08 @2302 hrs	Loud music	@2335 Officer visited location and observed there was a function on at the Cyprus Kitchen with a DJ playing, upon arrival music level was not loud and people were leaving. Spoke to DPS who stated they had just finished	Statutory nuisance not established	93655



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

26/4/09 @2126 & @2245 hrs	Loud music	@2211 & @2336 & @2338 Complainants called back	Noise had stopped	117778 + 117777
27/4/09 @2141 & @2219 hrs	Loud voices	@2147 & @2243 Complainants called back	Noise had stopped	117994 + 117996
10/5/09 @1634 & @1646 hrs	Loud music	@1815 Officer visited but no music heard but lots of people seen inside premises and in the rear garden – Officer entered Cyprus Kitchen and could see party balloons in the rear hall and a music system – Officer then spoke to Mr Hassan who said he worked there who said it was a private party and that they had applied for a licence	Statutory nuisance not established + Licensing warning letter dated 20/5/09	119298 (1 & 2)
29/5/09	N/A	N/A	Letter from licensing to Cyprus Kitchen management	119298
6/6/09 @2310 & @2329 hrs	Loud music	@2327 & @2346 Complainants called back	Noise had stopped	119298 (7 & 8)
13/6/09 @1539 & @1658 hrs	Loud voices	@1555 No response at complainant's address – Officer then visited Cyprus Kitchens and noted that there appeared to be a celebration function, approx 70 people seen inside	Statutory nuisance not established	119298 (9 & 10)
23/5/09 @1922 hrs	Loud voices	@2030 kids now gone inside by the time officer visited	Statutory nuisance not established	119298 (11)
22/6/09 @2253 hrs	Loud music	@2308 Complainant called back	Noise had stopped	119298 (12)
26/6/09 @2324 hrs	Loud music	@2333 Complainant called back	Noise had stopped	119298 (13)
26/9/09 @2013 hrs	Loud music	@2040 Officer observed some people seen inside the centre dancing the waltz or similar sort of dance, not really an event	Statutory nuisance not established	119298 (14)
26/9/09 @2148 & @2149 hrs	Loud music	@2359 Officer visited area - all quiet with 3 persons on premises - No noise or other activity evident	Statutory nuisance not established	119298 (15 & 16)
11/11/09 @2016 & @2050 hrs	Noise from venue	@2115 Officer visited area but no noise witnessed	Statutory nuisance not established	119298 (17 & 18)
28/11/09 @1749 & @1756	Loud music + Windows open	@1836 Heavy rain meant that rear door now shut and music turned down	Noise had stopped	119298 (19 & 20)

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

28/11/09 @2018 & @2052 hrs	Loud music	@2210 Officer visited Complainants premises and faint music heard, but not loud enough to be formally actionable. Officer advised complainant they would speak to venue management  @2225 Officer spoke to Mr Hassan Ali (manager) And advised him to make sure windows at rear remained shut + rear doors kept closed + to finish music at 2300 hrs sharp + to consider reducing volume of music	Statutory nuisance not established	119298 (21 & 22)
19/12/09 @2247 & @2313 hrs	Loud music	@2330 Visit made (Premises had temporary event notice until 11 pm) and loud music audible. Spoke to premises management and told to turn off music	Licensing warning letter dated 20/12/09	119298 (23 & 24)
31/12/09 @2139 & @2200 hrs	Loud music	@2240 music barely audible from complainant's location. Licensing offence, regulated entertainment without license	Licensing warning letter dated 1/1/10	119298 (26 & 27)
1/1/10	Pro-Active visit	@0200 Very faint music heard outside - Not a problem in officer's opinion during visit	Statutory nuisance not established	119298 (29)

**APPENDIX 2 – LETTER OF REPRESENTATION FROM ‘OTHER PARTIES’**

## Anderson Chanel

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**From:** harringaygardens [harringaygardens@blueyonder.co.uk]

**Sent:** 30 September 2012 16:20

**To:** Licensing

**Cc:** Barrett Daliah

**Subject:** Re: Licensing review: Cyprus Kitchen, 638-640 Green Lanes, N8 0SD

To: Haringey Council Licensing Team - [licensing@haringey.gov.uk](mailto:licensing@haringey.gov.uk)

From: Residents of 2, 4, & 6 Harringay Gardens - [harringaygardens@blueyonder.co.uk](mailto:harringaygardens@blueyonder.co.uk)

30<sup>th</sup> September 2012

Re: Licensing review: Cyprus Kitchen, 638-640 Green Lanes, N8 0SD

The number of late night events that have taken place at the Cyprus Kitchen since the licensing hearing in January 2010 have been few and far between, and in recent times we have not had a problem with noise at the rear of the building.

The residents of Harringay Gardens whose houses back on to the Cyprus Kitchen's rear garden have no objection to them holding a license for the Sale of Alcohol, Regulated Entertainment and Provision of Late Night Refreshment providing the conditions of the license, agreed and documented at the licensing hearing in January 2010, are adhered to.

These conditions included:

1. Residents must not be able to hear any noise emitting from the Cyprus Kitchen in any part of their property.
2. The doors and windows at the rear of the Cyprus Kitchen are to remain closed at all times, and patrons are not allowed to smoke or cause any noise in the garden at any time.
3. Air conditioning to be fitted to the Cyprus Kitchen to allow ventilation due to the stipulation that windows and doors are to be kept closed.
4. Sound proofing to be fitted through out the building.
5. Residents to be given 3 phone numbers to contact the Cyprus Kitchen owner/manager in the event of a problem out of hours.

All parties at the licensing hearing in 2010 were told that points 3 – 5 as shown above had to be completed and an inspection carried out by the council before the license came into effect; however none of three conditions have ever been implemented, and therefore we believed a license was not currently held by the Cyprus Kitchen, until we were made aware of this review.

Yours faithfully

Jean (2), Ken (4) and Pauline (6)

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**APPENDIX 3 – EXTRACT FROM SECTION 182 GUIDANCE**

## **PUBLIC NUISANCE**

- 2.33 The 2003 Act enables licensing authorities and responsible authorities, through representations, to consider what constitutes public nuisance and what is appropriate to prevent it in terms of conditions attached to specific premises licences and club premises certificates. It is therefore important that in considering the promotion of this licensing objective, licensing authorities and responsible authorities focus on the effect of the licensable activities at the specific premises on persons living and working (including those carrying on business) in the area around the premises which may be disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.
- 2.34 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It is important to remember that the prevention of public nuisance could therefore include low-level nuisance, perhaps affecting a few people living locally, as well as major disturbance affecting the whole community. It may also include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises.
- 2.35 Conditions relating to noise nuisance will normally concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are very expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.36 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where the provisions of the Environmental Protection Act 1990, the Noise Act 1996, or the Clean Neighbourhoods and Environment Act 2005 adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.37 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, music noise from premises usually occurs from mid-evening until either late-evening or early-morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. In certain circumstances, conditions relating to noise immediately surrounding the premises may also prove appropriate to address any disturbance anticipated as customers enter and leave.

- 2.38 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.39 In the context of preventing public nuisance, it is again essential that conditions are focused on measures within the direct control of the licence holder or club. Conditions relating to public nuisance caused by the anti-social behaviour of customers once they are beyond the control of the licence holder, club or premises management cannot be justified and will not serve to promote the licensing objectives. However, premises should have adequate dispersal policies (where appropriate) in place to ensure that customers leave the premises promptly and with minimal disruption to those in the surrounding area.
- 2.40 Beyond the immediate area surrounding the premises, these are matters for personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area and to respect the rights of people living nearby to a peaceful night.

## **PROTECTION OF CHILDREN FROM HARM**

- 2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm. This includes not only protecting children from the harms associated with alcohol but also wider harms such as exposure to strong language and sexual expletives (for example, in the context of exposure to certain films or adult entertainment).
- 2.42 The Government believes that it is completely unacceptable to sell alcohol to children. Conditions relating to the access of children where alcohol is sold and which are appropriate to protect them from harm should be carefully considered. Moreover, conditions restricting the access of children to premises should be strongly considered in circumstances where:
- adult entertainment is provided;
  - a member or members of the current management have been convicted for serving alcohol to minors or with a reputation for allowing underage drinking (other than in the context of the exemption in the 2003 Act relating to 16 and 17 year olds consuming beer, wine and cider when accompanied by an adult during a table meal);
  - it is known that unaccompanied children have been allowed access;
  - there is a known association with drug taking or dealing; or

refurbishment of premises) which in themselves may not be significant, but which cumulatively may impact adversely on the licensing objectives. This emphasises the importance of having an up-to-date copy of the premises plan available.

- 8.59 An application to remove a licensable activity should normally be approved as a minor variation. Variations to add the sale by retail or supply of alcohol to a licence are excluded from the minor variations process and must be treated as full variations in all cases.
- 8.60 For other licensable activities, licensing authorities will need to consider each application on a case by case basis and in light of any licence conditions put forward by the applicant. For example, the addition of live or recorded music to a licence may impact on the public nuisance objective, but this will depend on many factors. Licensing authorities will need to consider factors such as proximity to residential areas and any noise reduction conditions volunteered by the applicant. It is expected that in general applications to vary a licence for live music should benefit from the minor variations process unless there is likely to be an adverse impact on the licensing objectives. Similarly, in some circumstances, the addition of other types of regulated entertainment, such as the performance of plays or exhibition of films, to a licence may have no adverse impact on the licensing objectives.
- 8.61 In considering applications to add licensable activities, licensing authorities and officers may find it helpful to consider the following factors:
- the nature of the licensable activity;
  - proximity of the premises to residential areas;
  - any licence conditions volunteered by the applicant to mitigate the impact of the activity;
  - whether alcohol is sold at the premises when the licensable activity is taking place;
  - whether alcohol will continue to be sold during the extended period (for example, a pub that applies to stay open an extra hour after the sale of alcohol has ended to sell hot drink and food could be considered to benefit the promotion of the licensing objectives);
  - the track record of the premises – whether positive or negative (for example, any complaints or enforcement action related to the licensing objectives, or conversely any evidence of good practice in carrying on the licensable activity, such as under TENs); and
  - proximity to, and density of, public houses, nightclubs, etc. if customers from these other premises are likely to be attracted to the proposed licensable activity in large numbers (for example, people visiting a takeaway after leaving a public house).

This is not an exhaustive list and licensing officers should bring their own experience and knowledge of licensing to bear when considering applications.



## **APPENDIX 4 – STATEMENT OF LICENSING POLICY**

premises and customers are only protected by door supervisors with an SIA licence.

#### **14.0 The prevention of public nuisance**

- 14.1 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 and businesses in the vicinity of these licensed premises.
- 14.2 In particular, late night activities cause much of this nuisance. Late night cafés, clubs, pubs and restaurants 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.
- 14.3 Noise nuisance is of particular concern; music, people talking, ventilation equipment and traffic can all be disturbing especially at night when ambient noise is low.
- 14.4 The conduct of customers leaving premises or spilling out into public and open spaces is often a source of disturbance and anti-social behaviour. Problems can include littering, the breaking of glasses and bottles, vomiting and urination.
- 14.5 Fly posting or any other illegal methods of displaying advertisements relating to a licensed premises or events is considered to be a public nuisance and will not be tolerated by the Council. The Council will take action (including prosecuting) those that fly post and will support action by other Councils against those that fly post.
- 14.6 The Council is aware of the importance of the licensing trade to the local economy and its culture and leisure aspirations. Accordingly, it will try and work together with individuals and bodies who are able to make objection to licence applications, the statutory agencies and licensed businesses to ensure that licensed premises can provide a service in a responsible way and co-exist with the wider community.
- 14.7 In considering all licensed applications, the Licensing Authority will consider the adequacy of measures proposed to deal with the potential for nuisance and/or anti-social behaviour having regard to all the circumstances of the application. The Licensing Authority will expect applicants to address these issues under prevention of public nuisance when preparing the Operating Schedule:
  - Amplified music – noise from music played on the premises