4. REPORT

Background

A premises licence was originally granted to Trust Inns Limited on 7th August 2009. A review application was started on 2nd October 2012 the notice was removed from public view. The Licensing Authority restarted the process on 30th October in order to uphold consultation requirements.

Licensable activities authorised by the Licence:

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

Films & Indoor Sporting Events

Sunday to Thursday	1000 to 0030
Friday & Saturday	1000 to 0200

Live Music

Sunday to Thursday	1000 to 0000
Friday & Saturday	1000 to 0100

Recorded Music, Provision of Facilities for Making Music & Dancing

Sunday to Thursday	1000 to 0115
Friday & Saturday	1000 to 0245

Provision of Late Night Refreshment

Sunday to Thursday	2300 to 0115
Friday & Saturday	2300 to 0245

Supply of Alcohol

Sunday to Thursday	1000 to 0030
Friday & Saturday	1000 to 0200

An additional hour into the morning following every Sunday for each May Day Bank Holiday, Spring/Whitsun Bank Holidays and every August Bank Holiday Weekend.

A further additional hour every Thursday and Sunday for the Easter Bank Holiday weekend.

A further additional hour on Christmas Eve, Boxing Day and Good Friday

New Years Eve licensable activities from the start of permitted hours on 31 December until the start of permitted hours on 1 January

The designated premises supervisor is: Mr Emil Rusanov

4.1 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 Crime and Disorder, Public Safety and The Prevention of Public

Nuisance. The premises has failed to comply with the operating hours under the premises licence, failed to take adequate steps in regard to Noise Nuisance and comply with the Health Act regarding smoking in public places.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

No representation made

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

Various letters of representation have been received against this application from residents and Ward Members. **Appendix 2**

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 2.1-2.18 Crime and Disorder, 2.19-2.31 Public Safety, 2.32-2.40 Public Nuisance, Reviews arising in connection with crime 11.23-11.28, 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 46 and 47 Crime and Disorder, 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 FOR REVIEW AND SUPPORTING DOCUMENTATION

LICENSING ACT 2003
Sections 51 and 87

HARINGEY COUNCIL

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

(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, **Mark Eastwood** **apply for the review of a premises license under section 51 of the Licensing Act 2003 for the premises described in Part 1 below**

Part 1 - Premises or club premises details

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

B G MAX, 139 Tottenham Lane, Crouch End, London N8 9BJ

Post town London	Postcode (if known) N8 9BJ
Telephone number (if any) 0208 882 8242	

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

Trust Inns Ltd, Blenhiem House, Foxhole Road, Ackhurst park,Chorley, Lancashire PR7 1NY

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

LN/00001555, LN/ 000003518

Part 2 - Applicant details

I am

Please tick ✓ yes

1) an interested party (please complete section (A) or (B) below) ☐

a) a person living in the vicinity of the premises ☐

b) a body representing persons living in the vicinity of the premises ☐

c) a person involved in business in the vicinity of the premises ☐

d) a body representing persons involved in business in the vicinity of the premises ☐

Delete any words in square brackets which do not apply

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

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Please tick ✓ yes

2) a responsible authority (please complete (C) below) ☐

3) a member of the club to which this application relates (please complete (A) below) ☐

(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)

Mr ☐ Mrs ☐ Miss ☐ Ms ☐ Other title (for example, Rev) ☐

Surname | First names

I am 18 years old or over Please tick ✓ yes ☐

Date of birth Day | Month | Year

Current address

Post town | Postcode

Daytime contact telephone number

E-mail address (optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town | Postcode

Date of birth Day | Month | Year

Telephone number (if any)

E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Mark Eastwood Enforcement Response Officer – Regulatory Services Units 271-272, Lee Valley Technopark, Ashley Road,
Post town London | Postcode N17 9LN

Telephone number (if any) Tel: 020 8489 1000

E-mail address mark.eastwood@haringey.gov.uk

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

Please tick ✓ one or more boxes

1) the prevention of crime and disorder ✓ ☐
2) public safety ✓ ☐
3) the prevention of public nuisance ✓ ☐
4) the protection of children from harm ☐

Please state the ground(s) for review (please read guidance note 1)

The holder of the Premises Licence is Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Park, Chorley, Lancashire PR7 1NY (Telephone: 01257 238800) and it is understood that the designated premises supervisor (DPS), Mr Emil Rusanov, 16 Litchfield Gardens, London, NW10 2LP has a lease on the premises enabling him to operate a business under the Premises Licence.

Trust Inns Limited and/or Mr Emil Rusanov have failed to meet the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance in that there has been incidents of disorder associated with the premises, failure to comply with the operating hours permitted under the Premises Licence, have failed to take adequate steps in regard to noise nuisance and have failed to comply with the Health Act regarding smoking in a public place.

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

On Sunday 5th August 2012 at approximately 02:51hrs I arrived in the area of the B G Max bar in response to a complaint from a nearby resident about loud noise from the premises. I was parked outside the premises in Ferme Park Road which is at the side of the premises. I intended to visit the bar to investigate the complaint. I then saw a large crowd of people rushing out of the side fire exit door. I saw one person with a considerable amount of blood on the back of his shirt coming from a head wound. A large fight then broke out in the street between several people who had just exited the bar. There was a lot of screaming and shouting and I saw one man attempt to damage a nearby phone box by kicking it several times. He then ran across the road to a nearby shop and damaged the premises, then walked off carrying a plank of wood he had just broken away from the shop. He carried it as a weapon. I had called the police who attended at this point.
There has been other incidents of a similar nature previously.

The premises had been open and trading on the evening of Saturday 4th August 2012 through to the early hours of Sunday 5th August, and had customers in the premises on Sunday 5th August 2012 at 02:51hrs approximately. The Premises License stipulates that the hours of trading for a Saturday through to Sunday morning are 10:00hrs until 02:45hrs. There was no additional hours permitted by a Temporary Event Notice on the night in question.
There has been other incidents of a similar nature previously which has resulted in letters being sent from the Enforcement response team

The premises have been subject to action regarding noise nuisance. This includes a warning letter, a noise abatement notice and Fixed Penalty Notices.

The premises have also been subject to a Fixed penalty Notice regarding smoking in the premises.

Please tick ✓ yes

Have you made an application for review relating to these premises before? ☐

If yes, please state the date of that application

Day	Month	Year

If you have made representations before relating to these premises, please state what they were and when you made them.

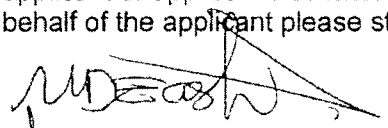
Please tick ✓ yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club premises certificate, as appropriate ☐
- I understand that if I do not comply with the above requirements my application will be rejected ☐

IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION

Part 3 - Signatures (please read guidance note 3)

Signature of applicant or applicant's solicitor or other duly authorised agent (please read guidance note 4) If signing on behalf of the applicant please state in what capacity.

Signature 

Date 8/10/12.

Capacity : Enforcement Response Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)	
Post town	Postcode
Telephone number (if any)	
If you would prefer us to correspond with you using an email address your e-mail address (optional)	

Notes for Guidance

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details, for example dates of problems which are included in the grounds for review, if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
5. This is the address which we shall use to correspond with you about this application.

Haringey Council

Licensing Consultation - Internal Memo

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Mark Eastwood

cc: Team Leader Enforcement Response, Derek Pearce

Our Reference: WK/000191927

Date: 17th October 2012

Premises: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

Type of application: **Review**

I would like to confirm that I wish to make this proposal with regard to the prevention of public nuisance, the prevention of crime and disorder and public safety on behalf of the Enforcement Response (Noise) Team & would like to make representations to the licensing Committee in regards to the Review of the Premises Licence.

On Sunday 5th August 2012 at approximately 02:51hrs I arrived in the area of the B G Max bar in response to a complaint from a nearby resident about loud noise from the premises.
I was parked outside the premises in Ferme Park Road which is at the side of the premises. I intended to visit the bar to investigate the complaint. I then saw a large crowd of people rushing out of the side fire exit door. I saw one person with a considerable amount of blood on the back of his shirt coming from a head wound. A large fight then broke out in the street between several people who had just exited the bar. There was a lot of screaming and shouting and I saw one man attempt to damage a nearby phone box by kicking it several times. He then ran across the road to a nearby shop and damaged the premises, then walked off carrying a plank of wood he had just broken away from the shop. He carried it as a weapon. I had called the police who attended at this point.

There have been incidents of a similar nature previously. Please see the list of previous incidents reported to the Police as supplied by the Police.

The premises had been open and trading on the evening of Saturday 4th August 2012 through to the early hours of Sunday 5th August, and had customers in the premises on Sunday 5th August 2012 at 02:51hrs approximately. The Premises License stipulates that the hours of trading for a Saturday through to Sunday morning are 10:00hrs until 02:45hrs. There was no additional hours permitted by a Temporary Event Notice on the night in question.

The premises have been subject to action regarding noise nuisance. This includes a warning letter, a noise abatement notice and Fixed Penalty Notices.

The premises have also been subject to a Fixed Penalty Notice regarding lack of no smoking signs in the premises and a simple caution with costs regarding permitting people to smoke in the premises.

The holder of the Premises Licence is Trust Inns Limited, Blenheim House, Foxhole Road, Ackhurst Park, Chorley, Lancashire PR7 1NY (Telephone: 01257 238800) and it is understood that the designated premises supervisor (DPS), Mr Emil Rusanov, 16 Litchfield Gardens, London, NW10 2LP has a lease on the premises enabling him to operate a business under the Premises Licence.
Trust Inns Limited and/or Mr Emil Rusanov have failed to meet the licensing objectives of the prevention of crime and disorder, public safety and the prevention of public nuisance in that there has been incidents of disorder associated with the premises, failure to comply with the operating hours permitted under the Premises Licence, have failed to take adequate steps in regard to noise nuisance and have failed to comply with the Health Act regarding smoking in a public place.

The Committee may wish to revoke the Premises Licence. However, should the Committee decide that a suspension of the Licence is more appropriate, we would request that additional conditions be attached to the licence as detailed below to further promote the licensing objectives once any suspension period expires, and/or to be applied in any case.

A colour high definition hard disc CCTV system should be in place in the premises that cover all entrances and exits and are capable of taking a clear head and shoulders picture of all persons entering and exiting the premises. Other cameras to be placed in other areas of the premises so as to cover the entire public area of the premises. (With the exception of the public conveniences, which should be checked in person regularly by the staff or security staff.) The CCTV system should be capable of making continuous recordings when the premises are open, and copies of those recordings to be made available to the Police or the appropriate Local Authority Officer upon request. The CCTV system should provide a linked record of the date, time and place of any image).The CCTV system must have a monitor to review images and recorded quality and be regularly maintained to ensure continuous quality of image capture and retention. Staff must be trained in operating CCTV. All digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.

1) A Minimum of four SIA approved security staff be on duty at any one time when the premises are open to the public and all SIA staff and management be in contact with each other by means of radio communications.

Supporting Information

The Enforcement response (noise) Team have received over 80 complaints regarding these premises since the 28th May 2011.

Date reported & time	General details of complaint	Outcome	Our Ref
31st May 2011	Loud music coming from the premises	Nuisance witnessed, warning letter served, see document 1	191927
8th June 2011	Loud music coming from the premises	Nuisance witnessed, Noise Abatement Notice served, see document 3	192659
26th June 2011	Loud Music Noise Nuisance	Nuisance witnessed, special warning letter sent, see document 5	192659
28th July 2011	Use of premises for regulated entertainment outside of licensed hours	Warning letter served, see document 6	191927
28th July 2011	Noise Nuisance on 27th July at 01:25hrs	Fixed penalty Notice served (subsequently paid) see document 8	191927
26th September 2011	Excessive noise from customers outside premises whilst smoking	Warning letter served, see document 9	191927
3rd February 2012	Loud Music Noise Nuisance	Nuisance witnessed on the 30th Jan 12, Fixed penalty Notice served. (subsequently paid) see document 11	210870
13th May 2012	Routine visit, no " no smoking" signs displayed.	Fixed penalty Notice for non display of signs. (Paid) see document 15	196948
13th May 2012	Simple caution offer for permitting smoking in a smoke free place.	Simple caution accepted with costs paid, see document 17	220087

There are attached several items concerning the history of the premises.

1. noise nuisance warning letter dated 31st May 2012
2. letter accompanying Noise nuisance Notice dated 8th June 2011
3. a copy of the Noise Abatement Notice served dated 9th June 2011
4. a copy of the statement of service of the Noise Abatement Notice dated 9th June 2011
5. A copy of a special warning letter reminding Mr Rusanov that a notice has been served and that a further Noise Nuisance has been witnessed. No further action to be taken
6. a warning letter under the licensing Act for regulated entertainment in the form of music being played outside of the licensed hours
7. a letter accompanying a Fixed penalty Notice for loud music, dated 28th July 2011
8. a copy of the Fixed penalty Notice dated 28th July 2011
9. a copy of a warning letter for excessive noise from people outside the front of the premises whilst smoking

10. a copy of a letter accompanying a further Fixed penalty Notice, dated 3rd February 2012
11. a copy of the Fixed penalty Notice for loud music, dated 7th February 2012
12. A copy of a letter dated 9th February 2012 to the Licence holder, Trust Inns ltd, requesting a copy of a finalised signed management plan.
13. a copy of a response letter from Trust Inns ltd dated 22nd February 2012 acknowledging receipt of letter dated
14. A copy of a letter from Trust Inns ltd with details of the signed management plan. This was unsigned by the Designated Premises Supervisor. We have not received any signed copy.
15. a copy of a fixed Penalty Notice for no " no smoking " signs on display at the premises
16. A copy of a letter dated 23rd may 2012 offering a Simple Caution for allowing people to smoke in a smoke free place.
17. A copy of the record of the simple caution, which was agreed and given, and costs paid.
18. A copy of incidents reported to the Police, to Ms Barrett, licensing Officer Haringey Council, from police Officer Mark Greaves, Metropolitan Police Licensing Officer.

1D

COPY WARNING LETTER

Enforcement Response team
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000 **Fax:** 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement Service – Robin Payne

Haringey Council

Mr Emil Rusanov,
B G Max
Public House
139-141 Tottenham Lane
Hornsey
London
N8 9BJ

Our ref: UE/ENF WK/000191927
Date: 31st May 2011
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance
Address: **B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ**
Type of noise: LOUD MUSIC

The Council has a duty to investigate complaints regarding disturbance caused by excessive noise.

Investigation, in response to a complaint, has showed that noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities. However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe noise which in their assessment amounts to a nuisance.

The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises). Fixed penalty notices of £100 (£400 for commercial premises) may be considered in appropriate circumstances

We hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.

I also wish to bring to your attention that there are conditions within your premises licence regarding noise nuisance. Please see them reproduced below:

THE PREVENTION OF PUBLIC NUISANCE

Live music will end at 2400 in the week and at 0100 at the week end.

Recorded music levels will be reduced after 2400 to ensure no nuisance is caused to neighbours.

Background music levels will be reduced to a level as not to cause a nuisance to neighbours after 24:00.

All customers will be asked to leave quietly and to respect our neighbours.

When required staff to organise taxis to transport customers home.

A noise survey is carried out regularly.

It is my opinion that the level of music I witnessed in a neighbours premises at 02:23hrs to 02:35hrs on the 29th May was a noise nuisance and therefore the conditions in your licence referring to noise nuisance were contravened. It is your responsibility to carry out noise surveys regularly to ensure the volume of music emitting from your premises is not a nuisance to any one living nearby. Failure to comply with your licence conditions is a serious offence and will not be tolerated.

Yours faithfully,

Enforcement Response Team

2

Enforcement Response
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000 **Fax:** 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement – Robin Payne **Haringey Council**

Mr Emil Rusanov
B G Max
Public House
139-141 Tottenham Lane
London
N8 9BJ

Our ref: UE/ENF WK/000192659
Date: 8th June 2011
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Dear Mr Rusanov
Re: Environmental Protection Act 1990 - Section 80
Noise Nuisance:B G Max, Public House,139-141 Tottenham Lane, London, N8 9BJ

This Service wrote to you recently regarding the level of noise coming from the above premises. Observations carried out showed that the noise coming from the above address was excessive and a nuisance.

The Council has determined that it is appropriate to serve a Noise Abatement Notice on you. This Notice prohibits the recurrence of noise nuisance from your premises and requires that steps be taken to reduce the level of noise to a level that does not disturb nearby residents.

The effect of the Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with the Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises).

Therefore any further nuisance witnessed by Noise Enforcement Officers, will be an offence under the above Act. This will normally result in legal proceedings being taken against you.

In addition contravention of the notice may make you liable to have any noise making equipment seized

The Council have also recently introduced Fixed Penalty Notices as a means of discharging liability to prosecution for an offence against an abatement notice. If you do offend against this notice then you may be offered the opportunity to pay a £100 Fixed Penalty Notice (£400 in respect of commercial premises).

The Council are unlikely to offer this option for repeat offences.
Should you wish to discuss this matter, please contact us.
Yours sincerely,

Enforcement Response Team

3

S.AN 1

Haringey Council EPA90.Sec.80 LMV *rev: May 2011*

Environmental Protection Act 1990 - part III

Statutory nuisance - Abatement notice

To:Mr Emil Rusanov and Kemal Senpalit

at: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

TAKE NOTICE that the Council of the Borough of Haringey are satisfied that a statutory nuisance as defined by the Environmental Protection Act 1990 exists, or is likely to recur at the above-mentioned premises as a result of:

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH a recurrence of the nuisance and for that purpose requires you to:

Exercise proper control of the volume of sound generated at the premises arising from any musical instrument, voices, amplifier or sound reproduction equipment so as to ensure that the total volume of sound emitted is not likely to cause a nuisance to persons residing in the vicinity.

AND YOU ARE GIVEN FURTHER NOTICE THAT you may within 21 days from the date of service of this Notice upon you, appeal to the Magistrates' Court on any of the grounds contained in the Statutory Nuisance [Appeals] Regulations 1995. [See notes attached].

AND FURTHER TAKE NOTICE that in the opinion of the Local Authority the noise is likely to be of a limited duration such that a suspension of the Notice would render it of no practical effect AND THEREFORE this Notice shall have effect not withstanding any Appeal to a Magistrates' Court which has not been decided by the Court. The maximum penalty for failure to comply with this Notice is £5,000 (£20,000 in the case of industrial, trade or business premises) plus a further £500 for each day on which the offence continues after conviction.

Dated: 9th June 2011

Our Ref: UE/ENF WK/000192659

Address (to which any communication regarding this Notice may be sent):-

S. Payne

for Robin Payne, being the Officer appointed for this purpose

The Assistant Director,
Urban Environment
Frontline Services - Enforcement
Enforcement Response
Unit 271 Lee Valley Technopark
Ashley Road London N17 9LN

Telephone: 020 8489 1000

This matter is being dealt with by:
Enforcement Response Team

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No. 2644)

Dated November 8, 1995, made by the Secretary of State for the Environment, as respects England, and the Secretary of State for Wales, as respects Wales, in exercise of the powers conferred upon them by paragraph 1(4) of Schedule 3 to the Environmental Protection Act 1990 and of all other powers enabling them in that behalf.

Citation, commencement and interpretation

1. (1) These Regulations may be cited as the Statutory Nuisance (Appeals) Regulations 1995 and shall come into force on 8th November 1995.

(2) In these Regulations

'the 1974 Act' means the Control of Pollution Act 1974;
'the 1990 Act' means the Environmental Protection Act 1990; and
'the 1993 Act' means the Noise and Statutory Nuisance Act 1993.

Appeals under Section 80(3) or the 1990 Act

2. (1) The provisions of this regulation apply in relation to an appeal brought by any person under Section 80(3) of the 1990 Act (appeals to Magistrates) against an Abatement Notice served upon him by a Local Authority.

(2) The grounds on which a person served with such a Notice may appeal under Section 80(3) are any one or more of the following grounds that are appropriate in the circumstances of the particular case _____.

(a) that the Abatement Notice is not justified by Section 80 of the 1990 Act (summary proceedings for statutory nuisances);

(b) that there has been some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Abatement Notice served under Section 80A(3) (certain Notices in respect of vehicles, machinery or equipment);

(c) that the Authority have refused unreasonably to accept compliance with alternative requirements, or that the requirements of the Abatement Notice are otherwise unreasonable in character or extent, or are unnecessary;

(d) that the time, or where more than one time is specified, any of the times, within which the requirements of the Abatement Notice are to be complied with is not reasonably sufficient for the purpose;

(e) where the nuisance to which the Notice relates ____

(i) is a nuisance falling within section 79(1)(a),(d),(e),(f) or (g) of the 1990 Act and arises on industrial, trade, or business premises, OR

(ii) is a nuisance falling within Section 79(1)(b) of the 1990 Act and the smoke is emitted from a chimney, OR

(iii) is a nuisance falling within Section 79(1)(ga) of the 1990 Act and is noise emitted from or caused by a vehicle, machinery or equipment being used for industrial, trade or business purposes.

that the best practicable means were used to prevent, or to counteract the effects of, the nuisance;

(f) that, in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act (noise emitted from premises), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous that the requirements for the time being in force, in relation to the noise to which the Notice relates, of ___

(i) any Notice served under Section 60 or 66 of the 1974 Act (Control of Noise on Construction Sites and from Certain Premises) OR

(ii) any consent given under Section 61 or 65 of the 1974 Act (consent for work on Construction Sites and consent for noise to exceed registered level in a noise abatement zone), OR

(iii) any determination made under Section 67 of the 1974 Act (Noise Control of New Buildings);

(g) that, in the case of a nuisance under Section 79(1)(ga) of the 1990 Act (noise emitted from or caused by vehicles, machinery or equipment), the requirements imposed by the Abatement Notice by virtue of Section 80(1)(a) of the Act are more onerous that the requirements for the time being in force, in relation to the noise to which the Notice relates, of any condition of a consent given under paragraph 1 of Schedule 2 to the 1993 Act (loudspeakers in streets or roads);

(h) that the Abatement Notice should have been served on some person instead of the appellant, being ___

(i) the person responsible for the nuisance, OR

(ii) the person responsible for the vehicle, machinery or equipment, OR

(iii) in the case of nuisance arising from any defect of a structural character, the owner of the premises, OR

(iv) in the case where the person responsible for the nuisance cannot be found or the nuisance has not yet occurred, the owner of occupier of the premises;

(i) that the Abatement Notice might lawfully have been served on some person instead of the appellant being _____

(i) in the case where the appellant is the owner of the premises, the occupier of the premises, OR

(ii) in the case where the appellant is the occupier of the premises, the owner of the premises;

and that it would have been equitable for it to have been so served;

(j) that the Abatement Notice might lawfully have been served on some person in addition to the appellant, being_____

(i) a person also responsible for the nuisance, OR

(ii) a person who is also owner if the premises, OR

(iii) a person who is also an occupier of the premises, OR

(iv) a person who is also the person responsible for the vehicle, machinery or equipment,

and that it would have been equitable for it to have been so served.

(3) If and so far as appeal is based on the ground of some informality, defect or error in, or in connection with, the Abatement Notice, or in, or in connection with, any copy of the Notice served under Section 80A(3), the Court shall dismiss the appeal if it is satisfied that the informality, defect or error was not a material one.

(4) Where the grounds upon which an Appeal is brought include a ground specified in paragraph (2)(i) or (j) above, the appellant shall serve a copy of his Notice of Appeal on any other person referred to, and in the case of any Appeal to which these Regulations apply he may serve a copy of his Notice of Appeal on any other person having an estate or interest in the premises, vehicle, machinery or equipment in question.

(5) On the Hearing of the appeal the Court may _____

(a) quash the Abatement Notice to which the Appeal relates, OR

(b) vary the Abatement Notice in favour of the appellant in such manner as it thinks fit, OR

(c) dismiss the Appeal;

and an Abatement Notice that is varied under sub-paragraph (b) above shall be final and shall otherwise have effect, as so varied, as if it had been so made by the Local Authority.

(6) Subject to paragraph (7) below on the Hearing of Appeal the Court may make such order as it thinks fit

(a) with respect to the person by whom any work is to be executed and the contribution to be made by any person towards the cost of the work, OR

(b) as to the proportions in which any expenses which may become recoverable by the Authority under Part III of the 1990 Act are to be borne by the appellant and by any other person.

(7) In exercising its powers under paragraph (6) above the Court ___

(a) shall have regard, as between an owner and an occupier, to the terms and conditions, whether contractual or statutory, of any relevant tenancy and to the nature of the works required, and

(b) shall be satisfied before it imposes any requirement thereunder on any person other than the appellant, that that person has received a copy of the Notice of Appeal in pursuance of paragraph (4) above.

Suspension Of Notice

3. (1) Where _____

(a) an Appeal is brought against an Abatement Notice served under Section 80 or Section 80A of the 1990 Act, and ___

(b) either _____

(i) compliance with the Abatement Notice would involve any person in expenditure on the carrying out of the works before the Hearing of the Appeal, OR

(ii) in the case of a nuisance under Section 79(1)(g) or (ga) of the 1990 Act, the noise to which the Abatement Notice relates is noise necessarily caused in the course of the performance of some duty imposed by law on the appellant, and

(c) either paragraph (2) does not apply, or it does apply but the requirements of paragraph (3) have not been met,

the Abatement Notice shall be suspended until the Appeal has been abandoned or decided by the Court.

(2) This paragraph applies where _____

(a) the nuisance to which the Abatement Notice relates _

(i) is injurious to health, OR

(ii) is likely to be of a limited duration such that suspension of the Notice would render it of no practical effect, OR

(b) the expenditure which would be incurred by any person in the carrying out of works in compliance with the Abatement Notice before any Appeal has been decided would not be disproportionate to the public benefit to be expected in that period from such compliance.

(3) Where paragraph (2) applies the Abatement Notice _____

(a) shall include a statement that paragraph (2) applies, and that as a consequence it shall have effect notwithstanding any Appeal to a Magistrates' Court which has not been decided by the Court and

(b) shall include a statement as to which of the grounds set out in paragraph (2) apply

Revocations

4. _____The Statutory Nuisance (Appeals) Regulations 1990 and the Statutory Nuisance (Appeals) Amendment) Regulations 1990 are hereby revoked.

4

London Borough of Haringey
Urban Environment
Enforcement Response

Ref: UE/ENF WK/000192659

Re Premises: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

Prosecution Witness Statement

(Criminal Procedure Rules Part 27);
Criminal Justice Act 1967 s.9; M.C. Act 1980 s5B)

Statement of: : George Nicolaou

Age of Witness: : Over 18 years

Occupation of Witness: : Enforcement Officer

Address: : Technopark, Ashley Road, London, N17 9LN

This Statement, consisting of 1 page signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated: 9th June 2011 Signed:.....

1) I am employed by the London Borough of Haringey as an Enforcement Officer.

My duties include service of notices and other correspondence by hand.

2) On 9th June 2011 I served a document dated 8th June 2011 and addressed to

Mr Emil Rusanov 139-141 Tottenham Lane N8 9BJ

and handing it to Mr Emil Rousanov at- 10:50 hours at unit 271 Technopark Ashley Road N17 9LN.

3) I produce a true copy of the document marked GAN / 1 and signed / dated by me.

Signed:

5

Enforcement Response team
Unit 271-272 Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000 Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement – Robin Payne

Haringey Council

Mr Emil Rusanov
B G Max, Public House
139-141 Tottenham Lane
Hornsey
London, N8 9BJ

Our ref: UE/ENF WK/000192659
Date: 28th June 2011
Contact: Enforcement Response team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Dear Mr Rusanov

Re: Abatement Notice - Noise Nuisance
Environmental Protection Act 1990 - Section 80
B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ
Type of noise: Loud music on 26th June 2011 at 00.15am

Complaints have been received by this Service regarding the level of noise coming from the above address. Observations carried out recently showed that noise coming from the premises was again excessive and a nuisance.

The Noise Abatement Notice that was served on you dated 4th June 2011 remains in force for as long as you occupy the premises. Therefore, it is your responsibility to comply with the Notice at all times i.e. control the level of noise emitted from your premises so that it does not disturb nearby residents.

I would like to draw your attention to the maximum fine of £5,000 (£20,000 for commercial premises) that can be imposed if you are convicted for failure to comply with the Noise Abatement Notice.

Alternatively the Council may determine that the most appropriate course of action is to impose a fixed penalty notice in the sum of £100 (£400 for commercial premises).

This Service may institute legal proceedings against you if noise nuisance is witnessed in the future. A copy of the Notice is enclosed for your information. Please do not hesitate to contact me should you wish to discuss this matter further.

Yours sincerely,

C Buckle
Enforcement Response team

6.

Enforcement Response
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000
Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement Service – Robin Payne

Haringey Council

Mr Rusanov
B G Max
Public House
139-141 Tottenham Lane
Hornsey
London
N8 9BJ

Our ref: UE/ENF WK/000191927
Date: 28th July 2011
Contact: Enforcement Response Team
Tel: 020 8489 1000
email: enforcement.response

Dear Sir,

Warning Letter: Licensing Act 2003
Address: B G Max Public House, 139-141 Tottenham Lane, Hornsey, London N8 9BJ

It has been identified that the above premises, on Wednesday 27th July 2011 at 01:25hrs had Regulated Entertainment in the form of recorded music being played outside of the licensed hours.

You are warned that this practice must cease. The license does not permit regulated entertainment at that time. You are also advised not to go past the licensed times in regard to alcohol sales and opening times.

It is an offence under section 136 of the Licensing Act 2003 if a person
(a) carries on or attempts to carry on a licensable activity on or from any premises otherwise than under and in accordance with an authorisation or
(a) he knowingly allows a licensable activity to be carried on.

You should familiarise yourself with the activities permitted under the current License & such unauthorised use of the premises must cease immediately.

No further warnings will be issued. This Authority may seek to prosecute if future unauthorised activity is identified. It is in your own interest to ensure that you are complying with the licensing laws.

If any of the above is unclear or you require further clarification please contact the Licensing Lead Officer on 020 8489 8232.

Yours sincerely

Enforcement Response Team
NS131 rev: June 2011
If you would like to comment about the service you receive, please complete our online survey www.haringey.gov.uk/enforcementconsultations

7

Enforcement Response – Frontline Services
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000
Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement Service – Robin Payne

Haringey Council

Mr Rusanov,
B G MAX,
139 – 141 Tottenham lane
Hornsey
London Borough of Haringey
N8 9BJ

Our ref: WK/000191927
Date: 28th July 2011
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Dear Mr Rusanov,

Please find enclosed a Fixed Penalty Notice in regards to excessively loud music that was a nuisance on the 27th July 2011 at 01:25hrs coming from your premises.

May I remind you that a warning letter was served on the 31st May 2011, a Noise Abatement Notice served on the 8th June 2011 and a Special Warning Letter served on the 28th June 2011, all of which are for excessively loud music from your premises. copies are included. Further noise nuisance was witnessed as mentioned above and therefore it is appropriate to offer you an opportunity to pay a Fixed Penalty Notice. The penalty amount is £400, reduced to £240 if paid within 14 days from the date of service of the Notice. The Fixed Penalty Notice is an opportunity for the liability to conviction to that offence to be discharged. More information is on the Fixed Penalty notice.

I strongly recommend that you adhere to the times of licensable activities allowed within your licence and in particular the hours of entertainment, alcohol sales and closing times.

Should you wish to discuss this matter , please contact the Enforcement Response Team Leader, Mr Derek Pearce at the address and phone number as above.

Yours sincerely,

Mark Eastwood
Enforcement Response Team

8

PAID 10/8/11 - £240.

Haringey Council

London Local Authorities Act 2004 - Fixed Penalty Notice London Local Authorities Act 2004 (Sections 15 and 16 and Schedule 2 as amended) & the London Local Authorities Act 1990 (Sections 34 and 38)	Reference number: WK/000196727

Part A
Notice of opportunity to pay Fixed Penalty

Notice given by Eubert Malcolm of Haringey Council

Notice given to: Mr Rusanov

of: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

I am an authorised officer of Haringey Council. I have reason to believe that you have committed an offence. Details of the alleged offence are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. No proceedings will be taken for this offence before the expiration of twenty-eight [28] calendar days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty within that period of 28 days. The acceptable methods of payment are set out in Part B of this notice. If you fail to pay the fixed penalty within that period, legal proceedings for the offence may be commenced against you. An early payment discount as set out in Part C will apply if this fixed penalty is paid before the expiration of a period of fourteen [14] calendar days following the date of this notice.
If you do not accept that you should pay any penalty or consider you have not committed an offence, you should write to the council at the address shown at the end of this notice before the end of the 28 day period setting out your reasons and you should not pay the fixed penalty. If the council does not accept your reasons, then you will have a further opportunity to pay this fixed penalty but at the full amount.

Signature of authorised officer:

Date: 28th July 2011

Offence code (The offence is described beside this code in Part C of this notice): E2

Amount of Fixed Penalty (£400):
£100 (Residential) (E1)
£400 (Industrial/Trade/Business) (E2)

Date of alleged offence: 27th July 2011 at 01:25hrs.

Location of alleged offence: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ

Circumstances alleged to constitute the offence: Loud music coming from your premises that was intrusive and a nuisance to nearby residents that was witnessed by a Enforcement Response Officer, and that this contravened the conditions of the Noise Abatement Notice under section 80 of the Environmental Protection Act 1990, served upon you dated 8th June 2011.

Part B
Payment Methods

You may pay the **fixed penalty** by any of the following methods:

By Post – Payment may be made by pre-paying and posting to Technopark Ashley Road London N17 9LN - cheques or postal orders should be made payable to 'Haringey Council' with the fixed penalty notice (FPN) number(s) written clearly on the back. Payment must be accompanied by a list of the FPN numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.

In Person at Technopark Ashley Road London N17 9LN by hand delivery between 9am and 4pm Monday to Friday. Cheques or postal orders should be made payable to "Haringey Council" with the fixed penalty notice (FPN) number(s) written clearly on the back. Payment must be accompanied by a list of the FPN numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.

Part C
Offence codes and description of offences

Offence Code	Act	Section	Description of Offence	Fixed Penalty Level
E1	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (residential premises)	£100.00 £60 if paid within 14 days
E2	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (industrial, trade or business premises)	£400.00 £240 if paid within 14 days

If you make payment within 14 days then you will qualify for a 40% early payment reduction

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Enforcement Response team
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000 Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Enforcement Service – Robin Payne

Haringey Council

B G Max
Public House
139-141 Tottenham Lane
Hornsey
London
N8 9BJ

Our ref: UE/ENF WK/000191927
Date: 26th September 2011
Contact: Enforcement Response Team
Tel: 020 8489 1000
Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance
Address: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ
Type of noise: **People noise (Talking loud) outside premises whilst smoking.**

The Council has a duty to investigate complaints regarding disturbance caused by excessive noise.

Investigation, in response to a complaint, has showed that noise coming from your premises was excessive.

The Council does not wish to restrict any private and reasonable activities. However, it does have a duty to ensure that all residents can enjoy a reasonable degree of privacy and freedom from disturbance by noise within their own homes.

The Council must serve a Noise Abatement Notice under Section 80 of the Environmental Protection Act 1990 in cases of persistent or severe noise which in their assessment amounts to a nuisance.

The effect of a Noise Abatement Notice is to prohibit noise nuisance occurring or recurring, and it is an offence not to comply with such a Notice for which the maximum penalty on conviction is £5,000 (£20,000 in respect of commercial premises). Fixed penalty notices of £100 (£400 for commercial premises) may be considered in appropriate circumstances

We hope that you will co-operate in this matter by keeping the volume of sound produced in your premises at levels that do not cause noise nuisance in the future, and that formal action by the Council does not become necessary.

Yours faithfully,

C Buckle
Enforcement Response Team

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Enforcement Response Team
Unit 271-272 Lee Valley Technopark, Ashley Road, London, N17 9LN
Tel: 020 8489 1000 Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Neighbourhood Services - Joan Hancox

Haringey Council

Mr E Rusanov
B G Max
Public House
139-141 Tottenham Lane
London
N8 9BJ

Date: 3rd February 2012

Our ref: P&S/RS WK210870
Tel: 020 8489 1000
email: enforcement.response
@haringey.gov.uk

Dear Mr Rusanov

Re: London Local Authorities Act 2004
B G Max, Public House, 139-141 Tottenham Lane, N8 9BJ

You have been identified as committing an offence on 30/1/12 in regard to an abatement notice served under the Environmental Protection Act 1990.

A Fixed Penalty Notice (FPN) provides a person with the opportunity to discharge any liability to conviction by payment of the prescribed amount within 28 days.

If payment is received within this time period court proceedings will be avoided.

The fixed penalty for noise from commercial premises is £400. (£240 if paid within 14 days)

If we do not receive the payment or a valid written representation setting out your reasons why you should not pay the fixed penalty within 28 days this matter may proceed to a Magistrates Court

If the council does not accept your reasons, then you will have a further opportunity to pay this fixed penalty but at the full amount.

Yours sincerely

(George Roberts)
Enforcement Response Team

11 PAID £400. -14/5/12.

Haringey Council

London Local Authorities Act 2004 - Fixed Penalty Notice London Local Authorities Act 2004 (Sections 15 and 16 and Schedule 2 as amended) & the London Local Authorities Act 1990 (Sections 34 and 38)	Reference number: WK210870

Part A
Notice of opportunity to pay Fixed Penalty

Notice given by Derek Pearce of Haringey Council

Notice given to: Mr Emil Rusanov

of: B G Max, Public House, 139-141 Tottenham Lane, London, N8 9BJ

I am an authorised officer of Haringey Council. I have reason to believe that you have committed an offence. Details of the alleged offence are contained in this notice. This notice offers you the opportunity of discharging any liability to conviction for that offence by payment of a fixed penalty. No proceedings will be taken for this offence before the expiration of twenty-eight [28] calendar days following the date of this notice. You will not be liable to conviction for the offence if you pay the fixed penalty within that period of 28 days. The acceptable methods of payment are set out in Part B of this notice. If you fail to pay the fixed penalty within that period, legal proceedings for the offence may be commenced against you. An early payment discount as set out in Part C will apply if this fixed penalty is paid before the expiration of a period of fourteen [14] calendar days following the date of this notice.
If you do not accept that you should pay any penalty or consider you have not committed an offence, you should write to the council at the address shown at the end of this notice before the end of the 28 day period setting out your reasons and you should not pay the fixed penalty. If the council does not accept your reasons, then you will have a further opportunity to pay this fixed penalty but at the full amount.

Signature of authorised officer:

Date: 7th February 2012

Offence code (The offence is described beside this code in Part C of this notice): E2

Amount of Fixed Penalty (£400):
~~£100 (Residential) (E1)~~
£400 (Industrial/Trade/Business) (E2)

Date of alleged offence: 30/1/12

Location of alleged offence:
B G Max, Public House, 139-141 Tottenham Lane, London, N8 9BJ

Circumstances alleged to constitute the offence: Loud music on 30/1/12 at 00:02 hrs coming from B G Max causing a statutory nuisance, which was witnessed in nearby residential premises in breach of a Noise Abatement Notice served on you dated 8th June 2011.

Part B
Payment Methods

You may pay the fixed penalty by any of the following methods:

By Post – Payment may be made by pre-paying and posting to Technopark Ashley Road London N17 9LN - cheques or postal orders should be made payable to 'Haringey Council' with the fixed penalty notice (FPN) number(s) written clearly on the back. Payment must be accompanied by a list of the FPN numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.

In **Person** at Technopark Ashley Road London N17 9LN by hand delivery between 9am and 4pm Monday to Friday. Cheques or postal orders should be made payable to "Haringey Council" with the fixed penalty notice (FPN) number(s) written clearly on the back. Payment must be accompanied by a list of the FPN numbers covered by the payment and the amount being paid in relation to each number. A receipt will be sent on request.

Part C
Offence codes and description of offences

Offence Code	Act	Section	Description of Offence	Fixed Penalty Level
~~E1~~	~~Environmental Protection Act 1990 (c. 43)~~	~~80(4)~~	~~Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (residential premises)~~	~~£100.00~~ ~~£60 if paid within 14 days~~
E2	Environmental Protection Act 1990 (c. 43)	80(4)	Contravention or Failure to comply with requirements or prohibition imposed by an abatement notice (industrial, trade or business premises)	£400.00 £240 if paid within 14 days

If you make payment within 14 days then you will qualify for a 40% early payment reduction

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Environmental Response
Units 271-272, Lee Valley Technopark, Ashley Road, London N17 9LN
Tel: 020 8489 1000
Fax: 020 8489 5133
www.haringey.gov.uk/noise

Head of Neighbourhood Services - Joan Hancox

Haringey

Trust Inns Limited
Blenheim House
Foxhole Road
Ackhurst Park
Chorley
Lancashire PR7 1NY
Att: David Davies
Operations Director - South

Our ref: P&S/RS WK191927
Date: 9th February 2012
Contact: Enforcement Response Team
Tel: 020 8489 1000
email: enforcement.response@haringey.gov.uk

Dear Mr Davies,

Meeting on 8th February 2012
re: proposed Premises License Review: Licensing Act 2003
B G Max, 139-141 Tottenham Lane, London, N8 9BJ

Following our meeting yesterday which my colleague, George Nicolaou and I found helpful, I would be grateful if you would confirm your (and your tenant's) adoption of a management plan. Please provide a finalised signed copy.

Yours sincerely

Derek Pearce
Enforcement Response Team Leader

URBAN ENVIRONMENT
Haringey Council
13 FEB 2012
RECEIVED
TECHNOPARK, ASHLEY ROAD, N17 9LN

Copy to

Mr E Rusanov
B G Max,
139-141 Tottenham Lane,
London,
N8 9BJ

13

Trust Inns
Better Pubs through Better People

Our ref: DJD/jmn/4041

Your ref: P&S/RS WK191927

22nd February 2012

Mr Derek Pearce
Enforcement Response Team Leader
Units 271-272 Lee Valley Technopark
Ashley Road
London
N17 9LN

Dear Mr Pearce

Re: B G Max, 139-141 Tottenham Lane, London N8 9BJ

I attach a copy of the letter sent to our tenant detailing the actions agreed at the meeting to address the noise issue. I will ask him to sign and return a copy for our and your records.

I too felt the meeting was beneficial to deal with matters in a pragmatic way, however I do find the title of your letter 'proposed premises review' somewhat unhelpful, as I do not believe a review was warranted and the matter has been dealt with in a proactive way between the parties.

I trust that my concerns in respect to this will be noted as I believe the header is misleading.

Yours sincerely

David Davies
Operations Director ~ South

enc

Haringey Council
URBAN ENVIRONMENT
23 FEB 2012
RECEIVED
TECHNOPARK, ASHLEY ROAD, N17 9LN

14

Trust Inns
Better Pubs through Better People

Our ref: DJD/jmn/4003

9th February 2012

Melgo Ltd
B G Max
139 Tottenham Lane
Hornsey
London
N8 9BJ

Dear Mr Senpalit & Mr Rusanov

Re: Control of noise at BG Max

Further to our meeting today with the noise control team the following was agreed with the parties as a sensible management practice to avoid potential issues with noise nuisance.

1. You will ensure that the music levels are reduced from 2.15 am prior to closure of the site at 2.45 am such that there is a definite change from foreground to background sound levels so that customers can talk at normal levels and the change in volume leads to an understanding that the evening is winding down prior to closure at 2.45 am.

2. You will undertake hourly perimeter walks to the buildings agreed at our meeting to assess noise levels, from commencement of the music to cessation. It is good practice to ensure you document these checks in a bound diary. You will take appropriate action to reduce music levels if any inspection indicates levels may be too high.

3. You will ensure as far as possible that the fire door to the rear of the building is used only for the purpose of emergency exit whilst music is in session as it is possible this is a cause for noise bleed from the site affecting premises opposite.

As further good practice you should encourage customers to leave in an orderly manner and to disperse quietly at the end of the evening. You may also wish to provide close neighbours with a contact number for them to ring you should they have any concerns whilst music is being played.

As your landlord and holders of the premises licence we expect you to undertake these management controls both from your position as DPS and tenant complying with the terms of your lease.

Yours sincerely

David Davies
Operations Director ~ South

.....

I am in receipt of the above letter and confirm my acceptance of the terms therein.

Signed ..... **Mr Senpallt**

Signed..... **Mr Rusanov**

Dated ..... **House B G Max**

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Haringey Council

No 1701

FIXED PENALTY NOTICE

You are required by law to give your name and address

This notice offers you the opportunity of discharging any liability to conviction for the offence specified below by payment of a fine with an option of a reduced payment period or a full payment by period from the notice. Please see method of payment and appeals process on the reverse of this notice.

The offence code below (OF) refers to the offence to which you have received a fixed penalty. Details explaining this offence can be found on the reverse of this page.

Alleged offence code OF... 2 ...

Fine payable without discount within 28/29 days

○ £50 ○ £100 ○ £125
○ £150 ○ £250 ⊗ £200

Payment can be reduced if paid within 14/15 days from the day of the offence. See over for full discounted fines.

Full Name of Defendant EMIL RUSANOV

Full Address 139 Tottenham Lane

Post Code N8 9BJ **DOB** 07/02/1977

Date of offence 13/05/12 **Time of offence** 1300 **Ward** .....

Location of offence OUTSIDE 139 TOTTENHAM LANE N8

Officers Name (Print) M EASTWOOD **being an authorised officer of the London Borough of Haringey, has reason to believe the person identified above has committed this offence.**

CIRCUMSTANCES OF THE OFFENCE

NO VISABLE "NO SMOKING" SIGNS - NO SIGN ON FRONT DOOR. NO VISABLE SIGNS INSIDE PREMISES

DO NOT IGNORE THIS NOTICE

IF YOU DO NOT PAY THIS FIXED PENALTY NOTICE WITHIN THE 28/29 DAY PERIOD, YOU MAY BE PROSECUTED OR ALTERNATIVELY YOU HAVE A RIGHT TO A TRIAL FOR THE *HEALTH ACT* OFFENCE(S), AND IF CONVICTED, YOU COULD RECEIVE A MUCH LARGER FINE: THE MAXIMUM FINE FOR THIS OFFENCE IS STATED OVERLEAF. PLEASE BE AWARE THAT A COURT CONVICTION WILL LEAD TO A CRIMINAL RECORD.

Details on how to pay this fine are contained on the reverse of this notice.

M EASTWOOD 13/05/12

Signature of Authorised Officer *Date*

AG Number ..... Date received ..... Officer issued .....

16

Neighbourhood Services
Units 271 – 272, Lee Valley Technopark, Ashley Road, Tottenham, London N17 9LN
Tel: 020 8489 1000 **Fax:** 020 8489 5133
www.haringey.gov.uk

Head of Neighbourhood Services – Joan Hancox **Haringey** Council

Mr Rusanov
B G Max
Public House
139-141 Tottenham Lane
Hornsey
London
N8 9BJ

Date: 23rd May 2012
Our ref: WK/000220087
Tel: 020 8489 1000
Email: Enforcement.Response@haringey.gov.uk

Dear Mr Rusanov

Re: B G Max, 139-141 Tottenham Lane Hornsey N8 9BJ

The Health Act 2006

The facts of the alleged offence reported to me by the case officer namely Mr M Eastwood that on Sunday 13th May 2012 at 02:45hrs at B G MAX, 139-141 Tottenham Lane, Hornsey N8 9BJ you did fail to prevent smoking in a smoke free place, contrary to section 8 of the Health Act 2006. Having carefully considered these facts and the circumstances surrounding the alleged offence I have concluded that there are sufficient grounds to institute legal proceedings against you under the above mentioned Act.

However, on this occasion I am proposing to issue a Simple Caution in respect of the allegation. This course of action is subject to your agreement and admission of the alleged offence.

I must advise you that should you agree to accept a Simple Caution, a record will be kept of it at this office. The record of a Simple caution may influence any subsequent decision should you be found to be infringing the law in the future. A Simple Caution is not a form of sentence (which only a court can impose), nor is it a criminal conviction. It is however an admission of guilt. A Simple Caution may also be cited in any subsequent court proceedings and can be quoted on a standard or enhanced disclosure issued by the Criminal Records Bureau and thus can be made known to a prospective employer. You therefore have a duty to disclose in certain circumstances the existence of this Simple Caution to a third party. Please note all costs will need to be paid when the Simple Caution is administered.

If you are in agreement with the proposed course of action I would be obliged if you will contact me by the 11th June 2012 to arrange a mutual time for you to come into this office so the Simple Caution can be administered. Please note if you have not confirmed your acceptance of the Simple Caution by 15thJune 2012 the Simple Caution offer will be withdrawn.

17

Haringey Council

Ref: WK/000220087
Place & Sustainability
Enforcement Response
Lee Valley Technopark,
Ashley Road
London
N17 9LN

Record of Simple Caution

Part 1: Identity of Person Cautioned

Surname Mr Rusanov,

First Names: Emil

Date of Birth: 7|2|77

Occupation: Designated premises Supervisor

Name & Address of and nature of business if offence in connection with a business: B G Max, Public House, 139-141 Tottenham Lane, Hornsey, London, N8 9BJ. Public house

Part 2: Persons Present

Team Leader Name: Derek Pearce

Sign.....

Appellant Name: Mr Emil Rusanov

Sign.....

Witness

Officer Name: Dalah Barrett

Sign.....

Part 3: Details of Offence(S)

Did fail to prevent smoking in a smoke free premises, contrary to Section 8 of the Health Act 2006

Part 4: Certificate as to Evidence & Public Interest Considerations

I certify that I am satisfied that there is evidence of the offender's guilt sufficient to give a realistic prospect of conviction of the offence specified in Part 3 hereof. I am further satisfied that the administration of a caution is in the public interest by reason of:-

The offender's attitude towards the offence including practical expression of regret.

Signed

Senior Officer Name Mr Derek Pearce
Title Team Leader

Officer Name:

Signed

Part 5: Admission of Offence & Consent to Caution

The significance of the caution has been explained to me in the presence of the persons named in Part 2 hereof.

I understand that I have the right to take independent legal advice before I sign or say anything and that I do not have to sign or say anything unless I wish to do so.

I understand that if I am cautioned in respect of the offence specified in Part 3 hereof, a record will be kept of the caution and that the fact of a previous caution may influence the decision whether or not to prosecute if I should offend again and that the caution may be cited if I am subsequently found guilty of an offence by a Court.
I admit the offences specified in part 3 hereof and consent to be formally cautioned.

Signed Appellant

Dated 6/6/12

Part 6: Certificate as to Caution

On 6/6/12 at 1245 hours

I cautioned the person named in Part 1 hereof in respect of the offence specified in Part 3 hereof.

Senior Officer Name Mr Derek Pearce
Title Team Leader

Signed

Dated 6/6/12

Ethnic Origin

In view of the importance of ensuring that every cautioning decision is taken on the basis of fair and equal treatment irrespective of ethnic origin, the Head of Legal Services maintains a record of the ethnic origin of persons cautioned in order that decisions may be monitored. Please specify Ethnic Origin (not Nationality) as UK European, Greek-Cypriot, Turkish-Cypriot, African, Caribbean/West Indian, Asian, Irish or Other (specify):

Ethnic Origin Bulgarian

METROPOLITAN POLICE Working together for a safer London

18

TERRITORIAL POLICING

YR - Haringey Borough

1st floor.
Quicksilver Patrol Base
Western Road
Wood Green
N22 6UH

Telephone: 020 8345 2122
Facsimile: 020 8345
Email: Mark.Greaves@met.police.uk
www.met.police.uk

Your ref:
Our ref:

10th October 2012

Ms Daliah Barrett

Licensing team
Units 271 - 272
Lee Valley Technopark
Ashley Road
N17 9LN

Dear Ms Barrett

With regards the application to review the Licence at B G Max, 139 Tottenham Lane N8 9BJ I supply below Police information relating to this venue since May 2011 when the present management / DPS Emil Rusanov took over took over the License. CAD calls only available since Sep 2011.

CRIS 2807828/12 refers to a Grievous Bodily Harm (GBH) and Actual Bodily Harm (ABH) at the venue on Sunday 1st April 2012 at 0200 hours. It appears a fight broke out between Turkish and Bulgarian males over a spilt drink. Security ejected some males as other fled through a fire door at side of venue. In the alley outside fighting continued and one male was stabbed in the abdomen and cut above the left eyebrow. Another male received a cut to his left thumb and right arm. CCTV supplied by venue. Two suspects arrested at scene.

CRIS 2814762/12 refers to a Sec 5 Public Order offence outside venue on Sunday 24th June 2012. CAD 768 at 0117 Caller Emil, DPS phone number, alleges 5 males fighting with security at venue. Officer at scene states: *POLICE CALLED TO MAXI CLUB, 139 TOTTENHAM LANE N8 RE A DISTURBANCE. ARRIVED TO FIND A GROUP OF MALES ON TOTTENHAM LANE N8 OPPOSITE THE MAXI CLUB. THEY WERE SHOUTING AND SWEARING TOWARDS THE CLUB AND WAVING ARMS ABOUT. I APPROACHED AND TOLD THEM TO BE QUIET. A MEMBER OF THE PUBLIC TOLD ME THAT THEY HAD BEEN EJECTED FROM THE MAXI CLUB. I TOLD THE MALES TO GO HOME AS THEY WERE NOT WELCOME IN THE CLUB ANY LONGER. THE SUSPECT ([redacted]) CONTINUED TO SWEAR AND SHOUT TOWARDS THE CLUB AND WAVED HIS ARMS ABOUT HIM VIOLENTLY. HE WAS OBVIOUSLY ALARMING AND OFFENDING OTHERS OUTSIDE THE CLUB AND PEOPLE USING THE PAVEMENT. I TOLD HIM TO BE QUIET AND GO HOME BUT HE IGNORED ME AND CARRIED ON WAVING HIMS ARMS ABOUT AND SWEARING. ARRESTED FOR S.5 POA AT 0125HR BY MYSELF AND TAKEN TO YR.*

CRIS 2816555/12 refers to CAD 1510 / 15 July 2012 at 0249 from Emil at B G Max stating there was a fight at the club. Police found an East European group on one side of the road outside the club with a group of Turks on the opposite side. The groups attempted to meet it other but Police pushed them back. One male with a ripped shirt and covered in blood was shouting threats and abuse. All males dispersed except bloodied male who tried to get into a taxi which pulled up and 2 females got in. The driver

refused to let the male in and he started punching the cabs window causing the females to scream and get out. Male arrested for Sec 5 Public Order offence.

CRIS 2818256/12 refers to a GBH on Sunday 5th August 2012. CAD 1550 at 0256 caller neighbour claims suspects have come from club and are trying to kick her door in after she complained about noise at venue. CAD 1555 at 0257 caller Emil states males fighting at venue, knife seen. CAD 1570 at 0258 from Mr Mark Eastwood, Haringey Council Environmental Health states fight outside venue with male with blood on him call L.A.S. Police arrive at 0302 and secure area inside and outside venue as a crime scene. It appears victim was talking to a female which provoked an attack by males she was with. One male was hit in the face with a glass causing a bruise. The other male was hit over the back of his head with a bottle / glass causing a 7" wound deep enough to reveal his skull. Fighting continued outside the club. On entering the club Police found staff clearing up the crime scene and stopped them. Police retrieved broken glass from the crime scene. Amongst witness was

CAD Calls Relating to Venue 18/09/11 - 05/10/12

18th Sep 2011 CAD 539 at 0101 Caller: Manager Emil stating customers refused entry arguing with door staff. Persons left before arrival of Police.

23rd Oct 2011 CAD 1607 at 0305 Caller Anil Staff member: Five males causing disturbance have stopped DJ playing. Males calling themselves 'Tottenham Boys' '**this is a well known Turkish Gang'.** CAD 1619 at 0307 Caller: Male anon with poor English. Alleges an assault. Screaming in background. Police arrived but nobody made any allegations. CAD 1902 at 0358 Caller: [redacted] stating 8 males fighting opposite venue. CAD 1093 at 0358 male with limited English stating males fighting o/s venue. Police found males milling about but nobody mentioned any fighting.

27th Nov 2011 CAD 2141 at 0423 a male anon with limited English states fight inside club. CAD 2137 at 0422 Caller: Emil Rusanov states males have attacked his business partner and are now outside. CAD 2157 at 0426 male anon limited English saying Turkish males calling themselves 'The Tottenham Boys' are attacking his partner. Police arrive at 0445 but nobody approaches them and no disturbance.

17th Dec 2011 CAD 2025 at 0407. Caller states males fighting inside and outside venue. Police arrive 0413 and find club closing and people dispersing. No allegations.

8th Jan 2012 CAD 1633 at 0357 Caller Emil states he is trying to close venue but 'The Tottenham Boys' are trying to fight with security and helping themselves to alcohol. Police clear venue with no offences alleged.

21st Jan 2012 CAD 1443 at 0255 Caller Anil states 10 people fighting one person. Police arrive to find no disturbance and one person had been ejected for causing trouble. The informant was from the same phone number as DPS Emil from previous CAD 1633 on 8th Jan 2012, 07425 106442 so assume name misheard.

10th Mar 2012 CAD 618 at 0103 Caller male alleges male assaulted a venue with broken jaw. L.A.S called. Police find male outside venue with bloody nose. Male and door security and management at venue claim no knowledge of any incident. Male refuses medical attention or to give his name.

Yours sincerely,

Mark Greaves

APPENDIX 2 – LETTER OF REPRESENTATION FROM 'OTHER PARTIES'

Sent: 19 October 2012 19:01
To: Licensing
Subject: BG Max licensing review

Dear Licensing

I believe that the owner of the licensed premises BG Max in Crouch End has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety. He is publicly quoted as saying "

"If people want to fight they will, and even if you take them out they will continue and then it's the police's turn.

"I've got an appointment with the council next week; it's not our fault to be honest - it happens in every club, in every borough." http://www.tottenhamjournal.co.uk/news/crime-court/crouch_end_night...

Whereas what he should be saying is

"If people want to fight our door security staff will do their best to calm them down and make sure that when they leave the fighting does not continue. With our team of security staff the police should never be needed.

"I've got an appointment with the council next week; We will admit to a few mistakes and promise it will never happen again."

His cavalier disregard for public safety is clearly insupportable and the licence should be withdrawn forthwith.

Regards

Sent: 11 October 2012 19:58
To: Licensing
Subject: B G MAX LICENCE REVIEW

Dear Sir/Madam

I am writing to express my concern about the above business.

My four year old daughter and I have to pass the premises every day to go to school (and previously to nursery) and on several occasions there has been vomit and/or broken glass, spilt takeway food all over the pavement. It is very unpleasant and anti social, and upsetting.

It is unsuitable for such an establishment to operate in a residential area and I do not support it being granted a license to operate, never mind a licence open til 4am.

My neighbours also feel the same.

I hope you will consider my views seriously along with my various neighbours'.

Your sincerely

----- Original Message -----
From: "Licensing" <Licensing.Licensing@haringey.gov.uk>
To: <licensing@trustinns.co.uk>
Sent: Monday, October 22, 2012 10:05 AM
Subject: FW: BG Max licensing review - Email found in subject

> For your information.
>
> Regards
> Daliah Barrett
>
> From:
> Sent: 19 October 2012 19:01
> To: Licensing
> Subject: BG Max licensing review
>
> Dear Licensing
> I believe that the owner of the licensed premises BG Max in Crouch End has
> failed to uphold the Licensing Objectives of The Prevention of Crime and
> Disorder and Public Safety. He is publicly quoted as saying "
> "If people want to fight they will, and even if you take them out they
> will continue and then it's the police's turn.
> "I've got an appointment with the council next week; it's not our fault to
> be honest - it happens in every club, in every borough.""
> http://www.tottenhamjournal.co.uk/news/crime-
court/crouch_end_night...<http://www.tottenhamjournal.co.uk/news/crime-
court/crouch_end_nightclub_s_licence_in_question_after_late_night_brawl_1_1475743>
> Whereas what he should be saying is
> "If people want to fight our door security staff will do their best to
> calm them down and make sure that when they leave the fighting does not
> continue. With our team of security staff the police should never be
> needed.
> "I've got an appointment with the council next week; We will admit to a
> few mistakes and promise it will never happen again."
>
> His cavalier disregard for public safety is clearly insupportable and the
> licence should be withdrawn forthwith.
>
> Regards
>
> _____
>

Sent: 30 October 2012 16:31
To: Licensing
Cc: monica.whyte@haringeylibdems.org
Subject: re: 'Club BG Max' licensing review

Dear Lead Officer,

Further to the letter I received from Councillor Monica Whyte of the Lib Dems inviting residents to have their say regarding the licensing review of Club BG Max, I would like to offer a few comments in relation to this issue.

I have lived at my current address at ..... since June 2012, and even in this short period of time, I have come to view Club BG Max as a bit of an unpleasant nuisance in an otherwise safe and pleasant area.

Almost every weekend there is some sort of disorder in the street immediately outside the club on Tottenham Lane and in the immediately adjacent streets including Rokesly Avenue. This includes people shouting, swearing, fighting and throwing bottles in the street, often as late as 3am or 4am.

I am aware that there have been a couple of more serious incidents in and around the club, as I have seen police personnel taping off and searching the surrounding area on several occasions. Quite disturbing and not very nice!

Often on a saturday or sunday morning the pavement outside the club is littered with broken glass, empty kebab boxes and vomit. I find this irritating and pretty horrible, but this poses a real hazard to young children. Given the large number of young families with children in the area, along with several nearby schools, this isn't really acceptable.

Young men also tend to hang around outside the club on friday and saturday nights, seemingly with no intention of going into the club, but rather to stand and show off their sports cars. This creates a bit of an intimidating atmosphere which is unpleasant and a bit of a nuisance, especially if you wish to go into one of the shops next to the club on Tottenham Lane.

I'm in my late twenties, I also love to go out and have a few beers and I would never object to others doing the same, however I do object to this kind of behaviour which is disorderly, criminal, antisocial and has a negative impact on the surrounding area and its residents.

I've tried to remain as objective as possible, but in summary I feel that the negative impact Club BG Max has on the surrounding area far outweighs any positive benefits it may have.

Withdrawing the club's licence to serve alcohol would in my opinion be the right action to take, in the interests of public safety, the prevention of crime and disorder, and the protection of children from harm.

Please see my address below, however I'd like to ask that my name and address is not published by the council. Thanks.

Yours sincerely,

]
Sent: 27 October 2012 17:17
To: Licensing
Cc: david.winskill@haringeylibdems.org
Subject: Club BG Max

Dear Lead Officer,

I am writing to show my support for all the residents who live near Club BG Max and who believe that this club should be stripped of its license to sell alcohol. I feel strongly that the area has become unsafe as a result of the way this club has been operating, ie late licensing hours and brawls and fights that have broken out there. I feel that it is not safe to walk around that area after dark as there are frequently groups of people standing outside who appear to be drunk and who seem to be behaving in ways that do not make me feel safe (ie loud shouting, physical fights).

The noise sometimes carries down the road and can even reach our house. I do not feel safe walking to the corner shop after dark.

This club was not operating when we moved into our house on Ferme Park Road. Our lives have been negatively affected by the late night license of this club and had we known that we would be living near a nightclub with a late license and be frightened to walk around our own area, we would never have moved into our house. We have a 5 year old son - and many of our neighbours have young children - and we feel that it is most inappropriate to have such a loud and threatening establishment so close to a residential area. We have often seen debris on the pavement outside the club in the morning, and this has included needles and broken glass.

We hope and pray that Club BG Max will move its premises to somewhere more appropriate.

Sent: 29 October 2012 08:53
To: Licensing
Cc: lynne@lynnefeatherstone.org
Subject: B G MAX LICENCE REVIEW

Dear Sir,

I am writing to express my concerns regarding the renewal of the licence for BG Max in Tottenham Lane. I live close to this establishment and pass it regularly, sometimes late in the evening.

I have a number of concerns. Firstly, late at night, many customers spill out onto the pavement and road. They can be noisy and block the footpath. These customers can be intimidating and do not appear to have any consideration of other people in the area. I have seen a number of fights and on at least one occasion seen blood on the pavement as a result of such a fight. Secondly, customers park inconsiderately and illegally. Cars are often stationary but not parked, with music playing and doors and windows open. Thirdly, it does not appear to operate as a regular 'bar', opening hours seem erratic and customers are either non-existent or present in very large numbers. It is not serving the local community in any way.

In summary, please consider my firm objection to the renewal of this licence on the grounds of public nuisance.

Yours faithfully,

Sent: 29 October 2012 22:28
To: Licensing
Cc: monica.whyte@haringeylibdems.org
Subject: Club BG Max

29/10/12

To Whom it may concern,

We wish to make you aware of our concerns about Club BG Max. We live in a residential road around 150 yards from this club. Our sleep is disrupted every weekend as a result of revellers exiting the club in the early hours of the morning. People leave the club and sit on our garden wall to eat their takeaways. Sometimes they sing, sometimes they cry, sometimes they just talk at the top of their voices for prolonged periods of time, sometimes they fight each other, screaming and shouting and smashing bottles on the pavement outside our house. It is evident that these people are always very drunk. In the morning, we often have to clear up takeaway cartons and alcohol bottles from our garden. We also have had to navigate our way through broken Jack Daniels bottles on several occasions.

We appreciate that when living in such close proximity to a main street with pubs and clubs, there may be the occasional noise nuisance incident. We wish to emphasise however that the nuisance from Club BG Max is occurring over and over again and is seriously impacting our lives.

This club is currently advertising the intent to sell vodka and Jack Daniels by the bottle this Wednesday at its "Scary Halloween Party". We can only assume then a double dose of trouble on our doorstep with a midweek session this week as well as the usual weekend disruption. No doubt we will be sweeping up the broken bottles on Thursday morning.

We are not normally in the business of taking action that could potentially result in people losing their livelihood. In this instance, however, we are convinced of the club owner's blatant disregard for the surrounding community, as it is obvious to us that drinking alcohol to excess is encouraged in this club.

Yours Faithfully,

Sent: 25 October 2012 14:46
To: Licensing
Cc: monica.whyte@haringeylibdems.org
Subject: Club BG Max

Dear Councillor,

Your letter received today refers.

We live nearby the above mentioned Night Club and heard about the incidents recently occurred in the club.

Because of the nuisance and worries concerning the safety of my teenager grandchildren who are frequently passing by the club at night on their way home I recommend that the licence is withdrawn.

Kind regards,

Sent: 12 October 2012 20:15
To: Licensing
Subject: B G MAX LICENCE REVIEW

Dear Sir / Madam

I am writing to express my concerns regarding the continued licensing of BG MAX. As a resident of Ferme Park Road I am regularly woken up in the early hours of the morning by the cliental of BG MAX screaming, shouting and behaving in a completely inappropriate way for a residential area. The regularity of finding police tape marking out yet another incident only meters away from my front door is also more than alarming and as a result I feel extremely threatened whenever I walk past the property, whether it is day or night.

The proprietors obvious lack of respect to the local residents is quite clearly displayed through the continual piles of disgusting, un-bagged rubbish which sits on our pavements. This attitude appears to extend to every aspect of their 'bar and nightclub' ownership. I am shocked that they are able to hold a license at all, let alone one that extends to 4am.

And, although minor in comparison, the smoking ban is quite clearly not in use inside the premises.

I look forward to the review and, ideally, removal of this license as I really do not feel that this threatening and inappropriate behaviour can possibly be allowed to continue.

Kind regards

Sent: 10 October 2012 22:03
To: Licensing
Subject: B G MAX LICENCE REVIEW

Dear sir/Madame

I am writing to voice my concern in regards to the club BG MAX.

I am a resident in the neighbouring flats and have to constantly put up with noise from the sound system, customers and owners. The noise prevents me sleeping on Friday and Saturday nights until 3-4am in the morning.
The violence I have witnessed from my flat window is terrifying- especially living in a flat of 3 girls. Customers/owners from the club have attempted to break down our front door on 2 occasions which was a horrific ordeal and ended in a man being harmed on our door step which ended in our front door being taped off by the police for at least 6 hours.
On numerous occasions I have opened the front door to vomit on our door step and the pavement outside our house after a Friday and Saturday night.
I can hear the customers exiting the club for at least 1 hour after the legal closing time from my bedroom which is very frustrating at 3am in the morning.
I feel extremely threatened when the club is trading and where the noise is enough disruption I do not think feeling threatened in my home is acceptable. Crouch end is a fantastic area and I am disappointed in the action that has been taken against this disruptive club, we have constantly logged noise complaints for over 12 months but up till now nothing has been done. I hope that the licence renewal will allow this issue to be solved and allow our neighbourhood to return to what it was before B G MAX opened.

Thank you for your kind attention. Please feel free to contact me at any time.

Many thanks

Dear sir/madam,

RE: BG Max Licence Review

As a family resident on Ferme Park Road, N8, very close to BG Max, we would like to submit the following comments so that they may be considered during the upcoming licence review.

Here are some specific observations relating to the operation of BG Max and how they affect my family and I:

1. There is a constant, on-going problem with waste management. There is rubbish strewn all over the alleyway behind the premises which often spills out on to the pavement, which attracts rats and other fly tipping, not to mention the smell and eyesore it creates. We have had dead rats outside our property on numerous occasions, only spotted as we are about to walk the children to school. This has always happened when the rubbish outside BG Max is out of control, so there is no doubt in my mind that this is because of them. The lack of waste management has been reported to the council and Veolia on numerous occasions over the years. The latest situation involved my wife being in contact daily with Veolia to report and update on the appalling and frankly depressing overflow of rotting rubbish, which was eventually resolved due to Veolia stepping in i.e. the large black industrial sized bin that had been placed on the public pavement (which was constantly overflowing causing us to step our way through on the pavement) was removed, along with the backlog of rubbish in their alley. However, the resolution has been short lived and the rubbish has started to pile up and overflow once again. They also now have wheelie bins back on the public pavement. This has been going on since the club has been open. They appear to be treating their neighbours and the council with nothing but contempt and have no intention of implementing any sort of refuse management system. We have to walk past this at least twice per day with our children on the way to and from school and feel that we should not have to put up with this.

2. Every Saturday and Sunday morning the pavement outside is covered in cigarette butts and chewing gum, which then appears to be cleaned up at council tax payers' expense by a council street cleaner.

3. There is music and shouting into the early hours every weekend, we are woken often. We have often witnessed violent incidents in the early hours of the morning outside our flat. As there are no other establishments in the area open at this time it is clear that the people involved are customers of this nightclub. To have this sort of thing regularly happening outside your family home is intimidating and most certainly affects our quality of life. Our young children have been woken in the night on a number of occasions. There have been several violent incidents that have taken place outside BG Max which have been well documented and reported on in the local papers. I won't go into detail with these as I assume you are aware of these incidents. However, I would like to say that these situations have had a direct effect on us. On one occasion we arrived home from being away but were unable to enter our property. There was police tape running from BG Max and along Ferme Park Road. On another occasion, we walked past on a Sunday morning with the children, there was once again police cordoning and blood stained pavements. Our children asked us what it was. This is not a conversation I expect to have when I take my children out to the park at the weekend!

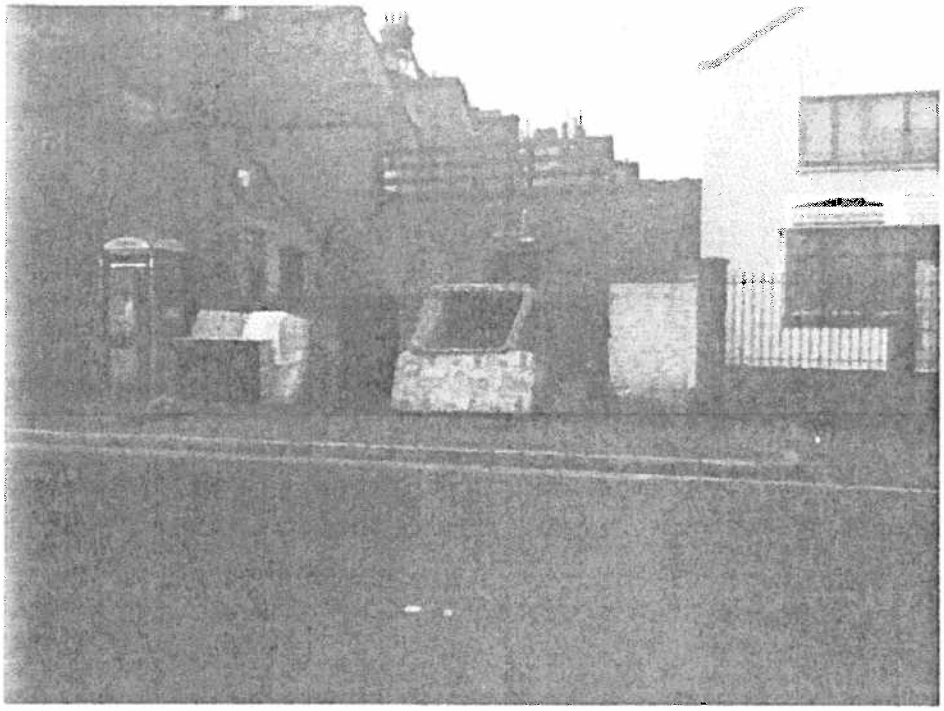
4. There have also been occasions of damage to residents vehicles parked in Ferme Park Road, which while they cannot be directly tied to people coming from BG Max, this kind of incident is definitely more common at weekends and appears to have increased in the last few years.

In summary, to say that this establishment is not popular with local residents would be an understatement. My understanding of the general consensus is that a business of this nature with a late licence, plays loud music and attracts a young, 'binge drinking' and often violent clientele is considered in no way appropriate for a residential suburb and home to many families with young children. Furthermore, it appears that the operators of BG Max have no respect or concern for the neighbourhood in which they operate or the wider community.

It should also be noted that we have no objection to licenced premises that are managed appropriately and make an effort to fit in with their local community. BG Max is shuttered most of the time with persons connected to the club often found communing in their 'veranda' area during the day. This is intimidating if you are walking past on your own or with your children. An establishment which is friendly and inviting with opening hours which are appropriate to a residential area would be welcomed. BG Max is the opposite of this. It feels threatening, intimidating and makes the area unsafe. A place which nobody we know has ever dared go.

Photos as evidence

Mattresses and bed frames left as fly tipping (twice in last 3 months)



Rubbish piling up causing rat infestation

Sent: 29 October 2012 00:38
To: Licensing
Subject: Representation re Club BG Max license review

To: The Licensing Officer

I understand that the Club BG Max is about to have its license reviewed and that local residents are entitled to make representations. I am such a local resident and believe (and therefore request) that the license should not be renewed as Club BG Max has not upheld its obligations on respect of preventing crime and disorder and protecting public safety.

More specifically, the experience of our household is that crowds gather outside BG Max on busy club nights and these crowds are noisy and obstruct the footpath. There are two females in our house and they have to avoid walking past Club BG Max on some evenings as the crowds on the street outside not only obstruct the pathway but can also be very threatening as they spill out across the footpath and use language in a threatening manner; with swearing, abuse and lewd suggestions.

In addition, in the road outside Club BG Max, and extending into Rokesly Avenue, we often find young men trying to show off in their cars by revving up loudly and driving in a manner that presents a danger and inconvenience to other both other road users and pedestrians.

It is clear that the management of Club BG Max have failed to control their clientele and as a result there is public disorder.

With thanks for your consideration of my representation.

I look forward to hearing the outcome of the license review

Yours faithfully

Sent: 25 October 2012 20:53
To: Licensing; monica.whyte@haringeylibdems.org
Subject: Licence renewal: Club BG Max

To Whom It May Concern,

As a resident of Tottenham lane, I am writing to object to the renewal of Club BG Max's alcohol licence. This is based on the following four licensing objectives:

- the prevention of crime & disorder
- public safety
- the prevention of public nuisance; and
- the protection of children from harm

Due to a number of violent incidences that have taken place at the premises, I believe that the business is not prepared to uphold its responsibilities on controlling situations that have led to these violent altercations. This then affects the local area which is predominantly filled with families and schools. It should be considered to have the licence rejected based on these grounds.

Sent: 30 October 2012 09:44
To: Licensing
Cc: monica.whyte@haringeylibdems.org
Subject: Club BG Max Tottentham Lane N8

Dear Licensing Officer

I understand that Club BG Max on Totttenham Lane N8 is subject to a licensing review, following a period of enforced closure.

I live nearby on Hillfield Avenue N8 and would like to make the following comments:

- Club BG Max has been consistently noisy late at night - shouting and music, to the extent that we were unable to have windows open at night and were often woken by the noise, even with windows closed.
- the open frontage of the club combined with raucous behaviour of its patrons has meant that I avoid walking past it on that side of the street.
- I have witnessed young women walking past being harassed (remarks and leering) by male patrons of Club BG max.

Please do not publish my name and address in connection with these comments.

Best wishes

Sent: 29 October 2012 23:28
To: Licensing
Cc: Monica.whyte@haringeylibdems.org
Subject: Licensing review for 'Club BG Max'

Dear Madam / Sir,

I am a resident of your borough and live near to 'Club BG Max' in Crouch End. I understand this establishment is now the subject of a licensing review and I would just like to add my comments to the review.

It has not been nice living near the club and I have often felt threatened when walking past the club as a woman alone. there always seem to be gangs of men hanging around the entrance near to lots of parked cars. the clientele use the local fast food joints and then litter the area with chicken bones, rubbish, food and drink cans. This is a street down which young children walk to school in the mornings.
As a member of the public coming home after a late finish at work I simply do not feel safe walking past it.

Please consider the local residents when you make this decision - I really don;t understand how a nightclub was given a licence in the first place in such a quiet residential area.

Kind regards

Please do not publish my name, address or personal details:

Sent: 29 October 2012 21:48
To: Licensing
Cc: Monica Whyte
Subject: Club BG Max, Tottenham Lane, N8

Dear Sir/Madam

I would like to make the following comments with regard to Haringey Council's Review of Club BG Max's licence:

- The appearance of the venue has detoriated over time - the front increasingly resembles a junk shop, sometimes with the shutters half up, half down. This only adds to the feeling that the venue is badly run and that the owners do not seem to care about its appearance in the context of Tottenham Lane and the wider Crouch End area.
- I have smelt cannabis coming from the venue on several occasions when walking passed during the day.
- Groups of men, including the owners, congregate outside the venue which some people would find intimidating. I think some of these men provide security outside the club later on but it is difficult to tell the difference between any security presence and these men.

As with Changa Bar (the previous club at this venue), this does not appear to me to be well-run or considerate establishment and I believe that a continuation of its current licensing arrangements will lead to further anti-social behaviour in the area. I do not have a problem with a well-run, sensibly-managed late night venue in this area but I do not believe the people who are running BG Max are capable of doing that. I would support a reduction in the licensed hours of this venue, with the situation being monitored by the Council and local police as to further breaches or incidents.

Many thanks

Dear Sir/Madam

I would like to add evidence to the licence review of the BG Max premises in Tottenham Lane.

Since this establishment opened, there have been a catalogue of violent incidents that have left my family and I feeling scared, uneasy and uncomfortable in our own homes EVERY Thursday, Friday and Saturday night.

The situation has got so bad that we are unable to sleep during those days until after 5 O'clock in the morning when we believe there'll be no further noise, violence or people in the street leaving said club. We have had to invest over £3000 in double glazing to try and dampen some of the noise as our 9 month old baby was being woken up between 2 and 4am by shouting, arguing, singing and car stereos as people leave the club.

This disruption and level of noise during the early hours of the morning has been a direct result of BG Max obtaining a licence until 4.00 in the morning. In my time living in the address, there were no problems when the establishment was the Lion Lounge or Sips – once it became Bar Changa and now BG Max, the noise levels are out of control.

We have also noticed a significant increase in visible and audible violence, police presence and crime since BG Max has opened. Specific details are given below and these involve large numbers of large and intimidating Eastern European men (recognisable because of their shouting and the language they use). This is the only establishment in the proximity that specifically caters for Eastern Europeans and therefore it is apparent that they are patrons at the club.

May 2011 – 2.00am

- My 2 month pregnant fiancé and I are awoken to slamming doors, shouting and affray
- 3 patrons leave the back door exit of BG Max and proceed to argue loudly outside the back of the premises
- 3 men proceed to fight and one of the men then goes over to a parked car and kicks the wing of the car, denting it – he does this 6 or 7 times. The owner of the car hears this and runs up the road to try and stop the man
- The 2 men hold him back, but the man runs into the middle of the road and starts to stop cars
- He hits a car, drags the man out of the car and all 3 men start to beat the man for approximately 2 minutes – he manages to get up and run to the car. We call the police
- The 3 men get into a black Mercedes and drive off

April 2012 – 2.00am

- We are awoken to anguished screams around the back of BG Max – we look out but can only hear shouting and screaming
- Following day, after no sleep, we awake to police tape outside our property – a 22 year old man has been stabbed
- Road is closed for all day Sunday whilst forensics look for evidence

May 2012 – 5.00am

- 2 groups of drunken Eastern European men shouting and drinking outside the rear of the premises
- Groups of men and 2 women come from the rear of the property with bottles of Jack Daniels and sit in the cars, continuing to drink – we call the police fearing drink driving may be involved

August 2012

- We are awoken to screams and shouting at the corner of the road – large amount of men hanging around the corner and spilling out of the back of BG Max
- Police tape set up around the rear of the premises again for the whole day
- Blood clearly visible on the main route to the park where families with children pass each day

These are the ones that we can document that are likely to be corroborated by police evidence. However, the noise and anti-social behaviour continues to occur each week. There is also a dog on the premises which barks loudly through the night.

Coupled with this is the environmental health issues of constant rubbish build up and fly tipping both of which have led to rat infestations and safety concerns on the street. Photos of the overflow of rubbish plus the dumping of things like beds and mattresses are attached. This has been an ongoing issue since BG Max opened and the residents and council have been working together to address this

Overall, this constant and persistent trouble is causing us stress and unnecessary anguish. The area was a safe, community focussed family friendly area – now, we are afraid to leave the house after 11.30pm and we discourage our friends from staying too late as the area becomes too violent. We don't sleep, we are fearful for our safety and, after having witnessed the levels of violence some of the clearly identified patrons are capable of, afraid of what the future holds in this area.

We trust that as an outcome of this, there will be some action taken about this venue

I FORMALLY REQUEST THAT MY DETAILS ARE REDACTED FROM ALL DOCUMENTATION AND THAT MY NAME AND ADDRESS REMAIN WITHHELD

APPENDIX 3 – EXTRACT FROM SECTION 182 GUIDANCE

2. The licensing objectives

CRIME AND DISORDER

2.1 The steps any licence holder or club might take to prevent crime and disorder are as varied as the premises or clubs where licensable activities may be carried on. Licensing authorities should therefore look to the police as the main source of advice on these matters. They should also seek to involve the local CDRP, as recommended in paragraph 1.21 of this Guidance.

2.2 The Government's expectation is that the police will have a key role in undertaking the following tasks:

- developing a constructive working relationship with licensing authority licensing officers and bodies such as the local authority social services department, the Area Child Protection Committee or another competent body;
- developing a constructive working relationship with designated premises supervisors and other managers of premises, including premises providing late night refreshment;
- advising, where necessary, on the development of a venue drug policy;
- developing a constructive working relationship with the Security Industry Authority including joint visits and enforcement action where appropriate;
- agreeing the protocols for actions taken by door supervisors in relation to illegal drugs or violent behaviour, particularly when police officers should be called immediately;
- advising on and approving search procedures and the storage procedures for confiscated drugs;
- gathering and sharing intelligence on drug dealing and use with partner organisations and local venues;
- advising on the installation and monitoring of security devices such as CCTV;
- advising on the provision of safe and accessible transport home in consultation with community safety colleagues, local transport authorities and transport operators;
- working with venue owners and managers to resolve drug-related problems and problems of disorder, drunkenness and anti-social behaviour; and
- advising on the protection of employees on licensed premises who may be targets for attacks and reprisals.

2.3 The Security Industry Authority also plays an important role in preventing crime and disorder by ensuring that door supervisors are properly licensed and, in partnership with police and other agencies, that security companies are not being used as fronts for serious and organised criminal activity and that door supervisors are properly licensed. This may include making specific enquiries or visiting premises through intelligence led operations in conjunction with the police, local authorities and other partner agencies. In the exercise of their functions licensing authorities should seek to co-operate with the SIA as far as possible and consider adding relevant conditions to licences where necessary and appropriate.

2.4 The essential purpose of the licence or certificate in this context is to regulate behaviour on premises and access to them where this relates to licensable activities and the licensing objectives. Conditions attached to licences cannot seek to manage the behaviour of customers once they are beyond the direct management of the licence holder and their staff or agents, but can directly impact on the behaviour of customers on, or in the immediate vicinity of, the premises as they seek to enter or leave.

2.5 Licence conditions should not replicate licensing offences that are set out in the 2003 Act. For example, a condition that states that a licence holder shall not permit drunkenness and disorderly behaviour on his premises would be superfluous because this is already a criminal offence. A condition that states that a licence holder shall not permit the sale of controlled drugs on the premises would be similarly superfluous.

2.6 Conditions are best targeted on deterrence and preventing crime and disorder. For example, where there is good reason to suppose that disorder may take place, the presence of closed-circuit television cameras both inside and immediately outside the premises can actively deter disorder, nuisance and anti-social behaviour and crime generally. Some licensees may wish to have cameras on their premises for the protection of their own staff and for the prevention of crime directed against the business itself or its customers. But any condition may require a broader approach, and it may be necessary to ensure that the precise location of cameras is set out on plans to ensure that certain areas are properly covered and there is no subsequent dispute over the terms of the condition.

2.7 Similarly, the provision of requirements for door supervision may be necessary to ensure that people who are drunk or drug dealers or carrying firearms do not enter the premises, reducing the potential for crime and disorder, and that the police are kept informed.

2.8 Text and radio pagers allow premises licence holders, designated premises supervisors and managers of premises and clubs to communicate instantly with the local police and facilitate a rapid response to any disorder which may be endangering the customers and staff on the premises. The Secretary of State recommends that text or radio pagers should be considered appropriate necessary conditions for public houses, bars and nightclubs operating in city and town centre leisure areas with a high density of licensed premises.

2.9 Some conditions primarily focused on the prevention of crime and disorder will also promote other licensing objectives. For example, a condition requiring that all glasses used on the premises for the sale of alcoholic drinks should be made of plastic or toughened glass or not allowing bottles to pass across a bar may be necessary to prevent violence by denying assailants suitable weapons, but may also benefit public safety by minimising the injury done to victims when such assaults take place (for example, facial injuries resulting from broken glass).

2.10 A condition must also be capable of being met. For example, while beer glasses may be available in toughened glass, wine glasses may not. Licensing authorities should carefully consider conditions of this kind to ensure that they are not only necessary but both practical and achievable.

2.11 Similarly, although most commonly made a condition of a licence on public safety grounds, licensing authorities should also consider conditions which set capacity limits for licensed premises or clubs where it may be necessary to prevent overcrowding likely to lead to disorder and violence. If such a condition is considered necessary, the licensing authority should consider whether door supervisors are needed to control numbers.

2.12 In the context of crime and disorder and public safety, the preservation of order on premises may give rise to genuine concerns about the competency of the management team charged with the maintenance of order. This may occur, for example, on premises where there are very large numbers of people and alcohol is supplied for consumption, or in premises where there are public order problems.

2.13 The designated premises supervisor is the key person who will usually be charged with day to day management of the premises by the premises licence holder, including the prevention of disorder. However, conditions relating to the management competency of designated premises supervisors should not normally be attached to premises licences. A condition of this kind could only be justified as necessary in rare circumstances where it could be demonstrated that in the circumstances associated with particular premises, poor management competency could give rise to issues of crime and disorder and public safety.

2.14 It will normally be the responsibility of the premises licence holder as an employer, and not the licensing authority, to ensure that the managers appointed at the premises are competent and appropriately trained and licensing authorities must ensure that they do not stray outside their powers and duties under the 2003 Act. This is important to ensure the portability of the personal licence and the offences set out in the 2003 Act ensure, for example, that the prevention of disorder is in sharp focus for all such managers, licence holders and clubs.

2.15 Communications between the managers of the premises and the police can also be crucial in preventing crime and disorder. Involvement by operators and managers in voluntary schemes and initiatives may be particularly valuable. Conditions requiring dedicated text or pager links between management teams and local police stations can provide early warning of disorder and also can be used to inform other licence holders that a problem has arisen in the area generally. For example, where a gang of youths is causing problems in one public house and their eviction will only result in them going on elsewhere to cause problems on other premises, there is advantage in communication links between the police and other licensed premises and clubs.

2.16 However, while this may be necessary and effective in certain parts of licensing authority areas, it may be less effective or even unnecessary in others. Police views on such matters should be given considerable weight and licensing authorities must remember that only necessary conditions, which are within the control of the licence holder or club, may be imposed.

2.17 The Indecent Displays Act 1981 prohibits the public display of indecent matter, subject to certain exceptions. It should not therefore be necessary for any conditions to be attached to licences or certificates concerning such displays in or outside the premises involved. For example, the display of advertising material on or immediately outside such premises is regulated by this legislation. Similarly, while conditions relating to public safety in respect of dancing may be necessary in certain

circumstances, the laws governing indecency and obscenity are adequate to control adult entertainment involving striptease and lap-dancing which goes beyond what is lawful. Accordingly, conditions relating to the content of such entertainment which have no relevance to crime and disorder, public safety, public nuisance or the protection of children from harm could not be justified. In this context, however, it should be noted that it is in order for conditions relating to the exclusion of minors or the safety of performers to be included in premises licence or club premises certificate conditions where necessary. The Local Government (Miscellaneous Provisions) Act 1982 insofar as its adoptive provisions relate to sex establishments – sex shops, sex cinemas and in London sex encounter establishments – also remains in force.

2.18 Guidance to the police on powers to close premises (formerly Chapter 11 of this Guidance) can now be found on the DCMS website at www.culture.gov.uk.

PUBLIC SAFETY

2.19 Licensing authorities and responsible authorities should note that the public safety objective is concerned with the physical safety of the people using the relevant premises and not with public health, which is dealt with in other legislation. There will of course be occasions when a public safety condition could incidentally benefit health, but it should not be the purpose of the condition as this would be ultra vires the 2003 Act. Accordingly, conditions should not be imposed on a premises licence or club premises certificate which relate to cleanliness or hygiene.

2.20 From 1 October 2006 the Regulatory Reform (Fire Safety) Order 2005 ('the Fire Safety Order') replaced previous fire safety legislation. As such any fire certificate issued under the Fire Precautions Act 1971 will have ceased to have effect. Licensing authorities should note that under article 43 of the Fire Safety Order any conditions imposed by the licensing authority that relate to any requirements or prohibitions that are or could be imposed by the Order automatically cease to have effect, without the need to vary the licence. This means that licensing authorities should not seek to impose fire safety conditions where the Order applies.

2.21 The exception to this will be in cases where the licensing authority and the enforcing authority for the fire safety order are one and the same body. For example, designated sports-grounds and stands where local authorities enforce the fire safety order. In such circumstances fire safety conditions should not be set in new licences, but conditions in existing licences will remain in force and be enforceable by the licensing authority.

2.22 The Fire Safety Order applies in England and Wales. It covers 'general fire precautions' and other fire safety duties which are needed to protect 'relevant persons' in case of fire in and around 'most premises'. The Order requires fire precautions to be put in place 'where necessary' and to the extent that it is reasonable and practicable in the circumstances of the case.

2.23 Responsibility for complying with the Order rests with the 'responsible person', which may be the employer, or any other person or people who may have control of the premises. Each responsible person must carry out a fire risk

assessment which must focus on the safety in case of fire for all 'relevant persons'. The fire risk assessment is intended to identify risks that can be removed or reduced and to decide the nature and extent of the general fire precautions that need to be taken including, where necessary, capacity limits.

2.24 The local fire and rescue authority will enforce the Order in most premises and have the power to inspect the premises to check the responsible person is complying with their duties under the Order. They will look for evidence that the responsible person has carried out a suitable fire risk assessment and acted upon the significant findings of that assessment. If the enforcing authority is dissatisfied with the outcome of a fire risk assessment or the action taken, they may issue an enforcement notice that requires the responsible person to make certain improvements or, in extreme cases, issue a prohibition notice that restricts the use of all or part of the premises until improvements are made.

2.25 Further information and guidance about the Order and fire safety legislation is available from the Communities and Local Government website www.communities.gov.uk/fire.

2.26 Where there is a requirement in other legislation for premises open to the public or for employers to possess certificates attesting to the safety or satisfactory nature of certain equipment or fixtures on the premises, it would be unnecessary for a licensing condition to require possession of such a certificate. However, it would be permissible to require as a condition of a licence or certificate, if necessary, checks on this equipment to be conducted at specified intervals and for evidence of these checks to be retained by the premises licence holder or club provided this does not duplicate or gold-plate a requirement in other legislation. Similarly, it would be permissible for licensing authorities, if they receive relevant representations from responsible authorities or interested parties, to attach conditions which require equipment of particular standards to be maintained on the premises. Responsible authorities – such as health and safety authorities – should therefore make clear their expectations in this respects to enable prospective licence holders or clubs to prepare effective operating schedules and club operating schedules.

2.27 "Safe capacities" should only be imposed where necessary for the promotion of public safety or the prevention of disorder on the relevant premises. For example, if a capacity has been imposed through other legislation, it would be unnecessary to reproduce it in a premises licence. Indeed, it would also be wrong to lay down conditions which conflict with other legal requirements. However, if no safe capacity has been imposed through other legislation, a responsible authority may consider it necessary for a new capacity to be attached to the premises which would apply at any material time when the licensable activities are taking place and make representations to that effect. For example, in certain circumstances, capacity limits may be necessary in preventing disorder, as overcrowded venues can increase the risks of crowds becoming frustrated and hostile.

2.28 As noted above, a capacity limit should not be imposed as a condition of the licence on fire safety grounds (unless the licensing authority and the enforcing authority for fire safety purposes are the same) since, under article 43 of the Fire Safety Order, it would have no effect and so would not be enforceable.

2.29 The special provisions made for dancing, amplified and unamplified music in section 177 of the 2003 Act apply only to premises with a "permitted capacity" of not more than 200 persons. In this context, the capacity must be where the fire and rescue authority has made a recommendation on the capacity of the premises under the Fire Safety Order. For any application for a premises licence or club premises certificate for premises without an existing permitted capacity where the applicant wishes to take advantage of the special provisions set out in section 177 of the 2003 Act, the applicant should conduct their own risk assessment as to the appropriate capacity of the premises. They should send their recommendation to the fire and rescue authority who will consider it and then decide what the "permitted capacity" of those premises should be.

2.30 Whilst the Cinematograph (Safety) Regulations 1955 (S.I 1995/1129) which contained a significant number of regulations in respect of fire safety provision at cinemas, no longer apply, applicants taking advantage of the "grandfather rights" pursuant to Schedule 8 to the 2003 Act will have been subject to conditions which re-state those regulations in their new premises licence or club premises certificate. Any holders of a converted licence seeking to remove these conditions and reduce the regulatory burden on them (to the extent to which that can be done while still promoting the licensing objectives), would need to apply to vary their converted licences or certificates. When considering variation applications or applications for new licences, licensing authorities and responsible authorities should recognise the need for steps to be taken to assure public safety at these premises in the absence of the 1995 Regulations.

2.31 Public safety includes the safety of performers appearing at any premises.

PUBLIC NUISANCE

2.32 The 2003 Act requires licensing authorities (following receipt of relevant representations) and responsible authorities, through representations, to make judgements about what constitutes public nuisance and what is necessary 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 impacts of the licensable activities at the specific premises on persons living and working (including doing business) in the vicinity that are disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

2.33 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 interested parties (as defined in the 2003 Act) in the vicinity of licensed premises.[2]

2.34 Conditions relating to noise nuisance will normally concern steps necessary 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

2 It should also be noted in this context that it remains an offence under the 2003 Act to sell or supply alcohol to a person who is drunk. This is particularly important because of the nuisance and anti-social behaviour which can be provoked after leaving licensed premises.

kept closed after a particular time in the evening to more sophisticated measures like the installation of acoustic curtains or rubber speaker mounts. Any conditions necessary to promote the prevention of public nuisance should be tailored to the style and characteristics of the specific premises. Licensing authorities should be aware of the need to avoid unnecessary 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.

2.35 As with all conditions, it will be clear that conditions relating to noise nuisance may not be necessary 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 vicinity 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 necessary.

2.36 Where applications have given rise to representations, any necessary and 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 in the immediate vicinity of the premises may also prove necessary to address any disturbance anticipated as customers enter and leave.

2.37 Measures to control light pollution will also require careful thought. Bright lighting outside premises considered necessary 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.

2.38 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.

2.39 Beyond the vicinity of 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.

2.40 The cumulative effects of litter in the vicinity of premises carrying on licensable activities can cause public nuisance. For example, it may be appropriate and necessary for a condition of

a licence to require premises serving customers from take-aways and fast food outlets from 11.00pm to provide litter bins in the vicinity of the premises in order to prevent the accumulation of litter. Such conditions may be necessary and appropriate in circumstances where customers late at night may have been consuming alcohol and be inclined to carelessness and anti-social behaviour.

PROTECTION OF CHILDREN FROM HARM

2.41 The protection of children from harm includes the protection of children from moral, psychological and physical harm, and this would include the protection of children from too early an exposure to strong language and sexual expletives, for example, in the context of film exhibitions or where adult entertainment is provided.

2.42 However, in the context of many licensed premises such as pubs, restaurants, café bars and hotels, it should be noted that the Secretary of State recommends that the development of family-friendly environments should not be frustrated by overly restrictive conditions in relation to children.

2.43 The Secretary of State intends that the admission of children to premises holding a premises licence or club premises certificate should normally be freely allowed without restricting conditions unless the 2003 Act itself imposes such a restriction or there are good reasons to restrict entry or to exclude children completely. Licensing authorities, the police and other authorised persons should focus on enforcing the law concerning the consumption of alcohol by minors.

2.44 Conditions relating to the access of children which are necessary to protect them from harm are self evidently of great importance. As mentioned in connection with statements of licensing policy in Chapter 13 of this Guidance, issues will arise about the access of children in connection with premises:

- where adult entertainment is provided;
- where 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 in the company of adults during a table meal);
- where it is known that unaccompanied children have been allowed access;
- where requirements for proof of age cards or other age identification to combat the purchase of alcohol by minors is not the norm;
- with a known association with drug taking or dealing;
- where there is a strong element of gambling on the premises (but not small numbers of cash prize machines);
- where the supply of alcohol for consumption on the premises is the exclusive or primary purpose of the services provided at the premises.

2.45 It is also possible that activities, such as adult entertainment, may take place at certain times on premises but not at other times. For example, premises may operate as a café bar during the day providing meals for families but also provide entertainment with a sexual content after 8.00pm. Such trading practices should be obvious from the operating schedule or club operating schedule provided with the relevant application allowing the framing of an appropriate, time-limited condition.

11.22 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.

REVIEWS ARISING IN CONNECTION WITH CRIME

11.23 A number of reviews may arise in connection with crime that is not directly connected with licensable activities. For example, reviews may arise because of drugs problems at the premises or money laundering by criminal gangs or the sale of contraband or stolen goods there or the sale of firearms. Licensing authorities do not have the power to judge the criminality or otherwise of any issue. This is a matter for the courts of law. The role of the licensing authority when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure that the crime prevention objective is promoted. Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. Some reviews will arise after the conviction in the criminal courts of certain individuals but not all. In any case, it is for the licensing authority to determine whether the problems associated with the alleged crimes are taking place on the premises and affecting the promotion of the licensing objectives. Where a review follows a conviction, it would also not be for the licensing authority to attempt to go behind any finding of the courts, which should be treated as a matter of undisputed evidence before them.

11.24 Where the licensing authority is conducting a review on the ground that the premises have been used for criminal purposes, its role is solely to determine what steps should be taken in connection with the premises licence, for the promotion of the crime prevention objective. It is important to recognise that certain criminal activity or associated problems may be taking place or have taken place despite the best efforts of the licensee and the staff working at the premises and despite full compliance with the conditions attached to the licence. In such circumstances, the licensing authority is still empowered to take any necessary steps to remedy the problems. The licensing authority's duty is to take steps with a view to the promotion of the licensing objectives in the interests of the wider community and not those of the individual holder of the premises licence.

11.25 As explained above, it is not the role of a licensing authority to determine the guilt or innocence of individuals charged with licensing or other offences committed on licensed premises. There is therefore no reason why representations giving rise to a review of a premises licence need be delayed pending the outcome of any criminal proceedings. As stated above, at the conclusion of a review, it will be for the licensing authority to determine on the basis of the application for the review and any relevant representations made, what action needs to be taken for the promotion of the

APPENDIX 4 – STATEMENT OF LICENSING POLICY

Operating Schedule

The operating schedule is part of the application for a premises licence and should contain information so that others can assess whether the steps a business intends to take will satisfy the licensing objectives. As such it is asking the applicant how their business will be run. This is an 'assessment of the risks' by the applicant and what control measures or actions are proposed to stop this risk. This must be specific to the premises and activities detailed in the application and not general in nature.

The operating schedule must include and consider:

- what activities are planned at the premises;
- the times during which the applicant proposes that the activities are to take place;
- any other times during which the applicant proposes that the premises are to be open to the public;
- where the applicant wishes the licence to have effect for a limited period , that period must be detailed;
- details of the Designated Premises Supervisor and a copy of the personal licence ;
- if the activities include sale of alcohol, whether such sales are proposed to be for the consumption on the premises or off the premises, or both;
- the steps which the applicant proposes to take to promote each of the licensing objectives - See guidance below

(further items may be required from time to time if the Government so directs)

The Operating Schedule and the Licensing Objectives

Operating Schedules must clearly satisfy the four licensing objectives. This is considered in more detail below with each of the objectives in turn.

1. The prevention of crime and disorder

Licensees have the responsibility to take steps to prevent crime and disorder. The Council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Such considerations should not only look at issues within the premises, but also matters related to the vicinity of the premises. Listed below are provisions that may be used if applicable.
The record of compliance with respect to the items contained in this section will be considered by the Licensing Sub Committee.

Applicants are expected to demonstrate how these will assist in their premises:

- Registered door supervisors – How they will be used in the premises, what they will be asked to do and what they are seeking to achieve. (NB Door Supervisors must be licensed by the Security Industry Authority) ;
- Use of CCTV - How CCTV will be used and monitored to help prevent crime and disorder;
- The use of responsible drinking promotions - what will and will not be used by the premises to promote custom ;
- Stopping the sale of alcohol to those under 18 years of age- how will the business achieve this. (Of equal concern for both on licences and off licences)
- Promoting of safer drinking (including the use of drink when driving) - what will the business specifically do, policy, practices, how may they assist customers to achieve this;
- Have effective protocols in place to deal with intoxicated patrons and/or persons under the influence of illegal drugs and the supply of illegal drugs. The issue of spiking drinks should also be considered. (This may include for example, co-ordination and participation in a local pubwatch scheme);
- Adequate search facilities - how this will operate;
- Methods to discourage drinking of alcohol (supplied for consumption on the premises) in a public place in the vicinity of the premises;
- Procedures to deal with violence and/or anti-social behaviour including any crime which discriminates against any sectors of the community;
- Methods to discourage the handling and distribution of stolen, counterfeit or other illegal goods;
- Addressing prostitution or indecency at the premises;
- Ensuring adequate training given to staff in crime prevention measures
- Procedures for risk assessing promotions and events where the event is likely to attract customers that may heighten the possibility of violence and/or disorder and include plans to minimise such risks.
- Utilising good practices outlined in the British Beer & Pub Association publication- Drugs and Pubs: A Guide for Licensees.

23 Public safety

Licensees have the responsibility to take steps towards protecting public safety. The council will expect applicants to consider various steps and provisions in their Operating Schedule to help in achieving this objective. Listed below are provisions that may be used if applicable. Applicants are expected to demonstrate how these will assist in their premises: