

4. REPORT

Background

A premises licence was originally granted to Mr Civan Turan Sahin in November 2005 and transferred to Mr Gzim Burgar in October 2013. Mr Burgar has persistently operated beyond the terms of the license since he took over at the premises. Our initial contact with Mr Burgar was due to a complaint for loud music emanating from the premises. When officers visited they found the premises under new management with Mr Burgar and the premises opened beyond its permitted hours. A warning letter was sent to Mr Burgar requiring him to make an application to transfer and vary DPS. He was told to stop alcohol sales until such time he was able to submit these applications.

Licensable activities authorised by the Licence:

Supply of Alcohol

Sunday to Thursday	1230 to 2300
Friday and Saturday	1230 to 0030

Provision of Regulated Entertainment

Sunday to Thursday	2000 to 2300
Friday and Saturday	2000 to 0030

Late Night Refreshment

Friday and Saturday	2300 to 0030
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The opening hours of the premises:

Sunday to Thursday	1200 to 2330
Friday and Saturday	1200 to 0100

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

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

The designated premises supervisor is: **Gjergji Fellanxa**

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, and Failure to comply with conditions of the licence.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police Appendix 1

Appendix 1 A- Copy of premises Licence

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, and failure to comply with the
conditions of the licence.

5.2 Comments of Enforcement Services:

Have made representation **Appendix 2**

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made on this matter.

6.0 Comments of Interested Parties

Letter of representation have been received against this application.
Appendix 3

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 permanently or for a
period of time as it may specify. The Licensing Sub Committee is asked to
give 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 11.1-11.30 these are attached at **Appendix 4**.
- 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 5**.
- 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 – REVIEW APPLICATION



Application for the Review of a Premises Licence or Club Premises Certificate under the Licensing Act 2003

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.

I Mark greaves

apply for the review of a premises licence 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:

Bolero, 665 High Road

Post town:

London

**Post code:
(if known)**

N17 8DA

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

Mr Gzim Burgar

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

L/N00002127

Part 2 – Applicant details

I am:

Please tick Yes

- | | | |
|----------|--|-------------------------------------|
| 1 | an individual, body or business which is not a responsible authority
(please read guidance note 1 and complete (A) or (B) below) | <input type="checkbox"/> |
| | a) a person living in the vicinity of the premises | <input type="checkbox"/> |
| | b) a body representing persons living in the vicinity of the premises | <input type="checkbox"/> |
| | c) a person involved in business in the vicinity of the premises | <input type="checkbox"/> |
| | d) a body representing persons involved in business in the vicinity of the premises | <input type="checkbox"/> |
| 2 | a responsible authority (please complete (C) below) | <input checked="" type="checkbox"/> |
| 3 | a member of the club to which this application relates (please complete section (A) below) | <input type="checkbox"/> |

PROTECTIVE MARKING

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

Mr	<input type="checkbox"/>	Mrs	<input type="checkbox"/>	Miss	<input type="checkbox"/>	Ms	<input type="checkbox"/>	Any other title (e.g. Rev.)	<input type="checkbox"/>
Surname:						First Names:			
I am 18 years old or over				<input type="checkbox"/>					
Current postal address if different from premises address:									
Post town:					Post code:				
Daytime Tel. No.:					Email: (optional)				

(B) DETAILS OF OTHER APPLICANT (fill in as applicable)

Name and Address:	
Telephone Number (if any):	
Email address: (optional)	

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT (fill in as applicable)

Name and Address:	
Metropolitan Police, Unit 1 Quicksilver Place, Western Road, London N22 6UH	
Telephone Number (if any):	020 3276 0150
Email address: (optional)	mark.greaves@met.police.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	<input checked="" type="checkbox"/>
2	Public safety	<input type="checkbox"/>
3	The prevention of public nuisance	<input type="checkbox"/>
4	The protection of children from harm	<input type="checkbox"/>

Please state the ground(s) for review: (please read guidance note 2)

PROTECTIVE MARKING

Police bring this Review due to breaches of Premises License Conditions despite previous warnings on this matter. This venue is in a 100 yard stretch of road where Police have received many calls relating to anti-social behaviour from street drinkers causing a disturbance into the early hours of the morning. Some complaints relate to this venues clients causing a disturbance outside the venue whilst smoking and drinking. It is obvious not all the anti-social behaviour emanates from this venue as there are street drinkers and a 24 hour Off Licence next door but Police need to ensure Licensed venues in this area strictly comply with their Premises Licence conditions to prevent their premises adding to the anti-social behaviour..

Mr Gzim Burgar became the Premises Licence holder in October 2013. On Thursday 21st November 2013 Police and Daliah Barrett from Haringey Council attended the venue and requested to view images on the CCTV system but staff were unable to operate it. The reason for my visit was a complaint from CID investigating a GBH at the venue and being unable to access CCTV of incident as staff could not operate it and it was not later forthcoming. This offence took place shortly before Mr Burgar took over the venue and he is not responsible for lack of CCTV, however, I wished to point out the desirability of a member of staff being at the venue who could operate the CCTV should an incident occur in this area known for violent crime and anti-social behaviour. Mr Burgar was not present when we attended.

On Friday 22nd November at 2335 with Daliah Barrett I attended the venue and met Mr Bergar. Neither he nor his staff could operate the CCTV system. I stressed to him the importance of staff being able to operate the system should a serious incident occur and Police require to see what has happened. I noticed beer bottles and wine bottles on 3 tables and pointed out the Condition on his Premises Licence stating 'No drink shall be sold from a bar or by staffservice or consumed in or on the premises other than in a container made from non-splintering glass, paper or shatterproof glass.'

On Sat 23rd November at 2125 I attended venue again with Daliah Barrett and other Police. As we approached I saw female bar staff from previous visits rush from the bar to tables and start removing beer bottles but on entering there were still beer bottles on some tables. Staff could still not operate CCTV. Mr Burgar was not present and did not answer his phone when called.

On Sunday 13th July 2014 at 0224 Police received an emergency call to a domestic incident that had occurred in the venue, CAD 1488 refers Exhibit MG1. Pc Yucel Onay was assigned this call arriving at venue at 0234. He found people were still entering the venue that should have closed at 0100. Pc Onay supplied an MG11 statement relating to this incident, exhibit MG2.

On Sunday 27th July 2014 at 0020 hours myself and Daliah Barrett attended Bolero. 665 High Road N17, who are now calling themselves Istanbul Empire. We met Licensee Mr Gzim Burgar. I mentioned a message I received from a Haringey Council Noise Officer about the venue being open after it's licensed hours the previous morning. I asked to view CCTV of the incident but he told me the woman who operates the CCTV is not available. I asked if anyone else could operate it and he said no. I pointed out I have spoken to him before about staff not being able to operate CCTV and told him how important it was should there be a crime and Police attend. I asked when the woman would be available to show me CCTV images and was told she was in Albania until August 21st 2014. I confirmed neither he nor anyone else could operate CCTV at the venue.

I noted 3 bottles of beer on tables, one unoccupied and 2 being drunk from and pointed out the Condition on his licence not to serve drinks in non-splintering plastic, paper or shatterproof glass. I had previously pointed this out to him regarding beer bottles. I pointed out SIA Door Supervisors are required on Friday & Saturday nights from 2300 hours and asked where the officer was. He told me the venue was not busy enough to justify hiring one so nobody present. In the downstairs area were 6 clients, 4 upstairs.

I asked to speak with the DPS and was told they were on holiday in Albania. I asked if they had left a letter delegating someone to act in their place and was told they had not. I told him he cannot sell alcohol with no DPS contactable and in this case they were out of the country so not contactable within the Licensing Act. He then told me the DPS was not out of the country and was available. I pointed out this was not what he had just told me.

He gave me the number of the DPS Vijay Gandhi and I phoned him but received no reply so left a message asking him to call me back. A few minutes later he called me. I asked if he was still DPS for the venue and he told me he was. I asked if he could meet us at the venue but he said he could not. I asked if he was abroad and he said he was in Wolverhampton. I asked to meet him at the venue the next day and he appeared hesitant and at first agreed but then asked why. I told him about the noise officer's visit and the breaches of Conditions I had found. Mr Gandhi became agitated and told me he had resigned as DPS and had nothing to do with the venue. I asked when he resigned and he told me 2 months ago, he would need to check his files to get exact date. I passed him to Ms Barrett who informed him what to do about the resignation and he later sent her his resignation.. When I spoke to Mr Burgar about this he told me his partner had passed the Personal Licence exam, he showed it me on the wall, and would apply to be DPS on her return. When I pointed out she was not due to return until 21st August and he could not sell alcohol until he had a DPS he told me he might be able to get her back sooner. He then told me he would find a Personal Licence holder and make them DPS until partner returned. I informed him he was breaching his Licence Conditions despite previous warnings from Police and Council and I would consider Reviewing his Premises Licence.

On Thursday 31st July 2014 PCSO Janna Meredith attended the venue at 2225 hours. Staff stated Mr Burgar had left 15 minutes

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Please provide as much information as possible to support the application: (please read guidance note 3)

ago. There were 2 males in venue drinking from bottles of Budwiser contrary to Condition on Licence. Ref: Airspace 142196.

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Have you made an application for review relating to this premises before?	<input type="checkbox"/> (Please tick yes)
	Day Month Year
If yes, please state the date of that application:	
If you have made representations before relating to this premises please state what they were and when you made them:	

PROTECTIVE MARKING

[Large empty rectangular area for protective marking]

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.

PROTECTIVE MARKING

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 4)

Signature of applicant or applicant's solicitor or other duly authorised agent (see guidance note 5). If signing on behalf of the applicant please state in what capacity.

Signature:

Date:

13th August 2014

Capacity:

Contact name (where not previously given) and postal address for correspondence associated with this application: (please read guidance note 6)

Mark Greaves PC 164YR

Post town: London

Post code:

N22 6UH

Telephone Number (if any):

020 3276 0150

If you would prefer us to correspond with you using an e-mail address, your e-mail address (optional):

mark.greaves@met.police.uk

Notes for Guidance

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

WITNESS STATEMENT

CJ Act 1967, s.9; MC Act 1980, ss.5A(3)(a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

Statement of **Yucel Onay** URN:

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Age if under 18 **Over 18**..... (if over 18 insert 'over 18') Occupation: **Police Officer 232599**

This statement (consisting of 1..... pages each 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 anything in it which I know to be false, or do not believe to be true.

Signature: Yucel Onay PC944R Date: 12/08/2014

Tick if witness evidence is visually recorded (supply witness details on rear)

On Sunday 13/07/2014 I was on duty in full uniform with PC SMITH 527YR in a marked police vehicle call sign Y1N. At 0224 hours we were assigned to CAD 1488/13JUL14 to attend 665 HIGH ROAD N17 to an Albanian bar where informant stated she had been threatened by her ex-boyfriend. We accepted the call and arrived on scene at 0234 hours.

On arrival I noticed that a large number of people were outside the venue. I do not remember noticing the name of the bar but I do know that the venue is now called Istanbul Empire. We were then approached by our informant, IC1 female who I now know to be **VIV I**

outside the venue who told us that she was inside this Albanian bar earlier with her boyfriend where they had a verbal argument. Her boyfriend was no longer on scene **VIV I** was reluctant to speak to police as she kept talking to her friends in Albanian. She was then asked to get into the police vehicle so that we can take a report from her without been distracted by the people on the street.

Whilst speaking **VIV I** outside 665-HIGH ROAD N17 I noticed that there were a number of people standing outside the venue, between 8-12 males and females. I noticed that people were still going in and out of the premises. I do not recall seen a security guard outside the venue. No one identified themselves to police as the bar manager or the security officer. I also do not recall seeing people outside the venue with alcohol in their hands. As we did not enter the bar, I do not know if alcohol was been served inside the venue.

Once we established no offences had taken place between our informant and her boyfriend, she got out of the police car and joined her friends outside the venue. We were on scene outside the venue for about 20 minutes. We then left the location to attend our next CAD.

Yucel Onay PC944R

Signature: Yucel Onay PC944R Signature witnessed by:

M G I

INCIDENT No. 1488 entered at 02:24 on 13JUL14 by CHS/CHS in CCC/IR

Rec By :E (Emergency)
Call Tel :079** *****
Call Name: Female
Call Type:V (Victim)

Att Locn :(941YR) O/S 665 HIGH RD, N17
Map :Page 100, Grid Reference 533875,191375
GPA :YD [Division: YR:YE]

Opening 1:001 (Violence Against The Person)
2:606 (Domestic Crime)

Urgency :I (Immediate)
Proposal :(BOCU at 02:26/13JUL14):
ST442 YR23L YR26L YM18L YT18L YR33L 587YR 4414ST 4422ST 92YR

TOA :02:34:00/13JUL14

CRIS :2815613/14
Class 1 :304 (Domestic Incident)
Qual 1 :701 (Assistance Requested / Rendered)
Res 1 :710 (CRIS Entry/Updated)

O Dealing:941YR

Remarks:

Time	Date	Opid	Termid
	13JUL14	CHS	CHS (pre 1st routing)
	CREATED IN: CHS AT: 2014-07-13 02:24:54 CAD AT: 2014-07-13 02:26:04		

ENTERED BY: CHS (c721251) AT: 2014-07-13 02:26:04
caller has gone to a party -
caller states ex partner has turned up with - friends and they are
threatening to kill her

02:26:39 13JUL14 CHS
ENTERED BY: CHS AT: 2014-07-13 02:26:39
caller states ex boyfriend said " im gonna fuck you up "

02:27:53 13JUL14 CHS
ENTERED BY: CHS AT: 2014-07-13 02:27:53
no weapons seen
ex boyfriend is - suspect

02:28:36 13JUL14 CHS
ENTERED BY: CHS AT: 2014-07-13 02:28:36
^Op - caller is now arguing with someone in back ground

Time	Date	Opid	Termid
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02:28:57	13JUL14	CHS	
	ENTERED BY: CHS AT: 2014-07-13 02:28:57		
	caller states one of the other males is also her friends ex partner		

03:25:48 13JUL14 718327 B3333
^941YR NCD CRIS BY MYSLEF

05:19:24 13JUL14 232599
ENTERED BY: CRIS AT: 2014-07-13 05:19:23
^941YR for cris 580/00 Domestic Incident

SUBJECT TO FREEDOM OF INFORMATION ACT AND DATA PROTECTION ACT
NO UNAUTHORISED DISCLOSURE-DISPOSE OF AS CONFIDENTIAL WASTE.

APPENDIX 1A – CURRENT PREMISES LICENCE (WITH PREVIOUS DPS DETAILS)

PREMISES LICENCE

Receipt: AG754681, AG754663

Premises Licence Number: LN/00002127
LN/000005325

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
Lee Valley Technopark, Unit 271-272, Ashley Road,
Tottenham, London, N17 9LN**

Signature:

Date: 24th November 2005
29th July 2014

Part 1 – PREMISES DETAILS

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

**ISTANBUL EMPIRE
665 HIGH ROAD
TOTTENHAM
LONDON
N17 8DA**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of Alcohol

Late Night Refreshment

Provision of Regulated Entertainment: Live and Recorded Music

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

Provision of Regulated Entertainment

Sunday to Thursday 2000 to 2300

Friday and Saturday 2000 to 0030

Supply of Alcohol

Sunday to Thursday 1230 to 2300

Friday and Saturday 1230 to 0030

Late Night Refreshment

Friday and Saturday 2300 to 0030

Annex 1 –Mandatory Conditions

(2) Supply of alcohol: No supply of alcohol may be made under the premises licence-

- (a) at a time when there is no designated premises supervisor in respect of the premises licence, or
- (b) at a time when the designated premises supervisor does not hold a personal licence or his personal licence is suspended.

(3) The second condition is that every supply of alcohol under the premises licence must be made or authorised by a person who holds a personal licence.

Additional Mandatory Conditions in relation to Supply of Alcohol

1.— (1) The responsible person shall take all reasonable steps to ensure that staff on relevant premises do not carry out, arrange or participate in any irresponsible promotions in relation to the premises.

(2) In this paragraph, an irresponsible promotion means any one or more of the following activities, or substantially similar activities, carried on for the purpose of encouraging the sale or supply of alcohol for consumption on the premises in a manner which carries a significant risk of leading or contributing to crime and disorder, prejudice to public safety, public nuisance, or harm to children—

(a) games or other activities which require or encourage, or are designed to require or encourage, individuals to—

(i) drink a quantity of alcohol within a time limit (other than to drink alcohol sold or supplied on the premises before the cessation of the period in which the responsible person is authorised to sell or supply alcohol), or

(ii) drink as much alcohol as possible (whether within a time limit or otherwise);

(b) provision of unlimited or unspecified quantities of alcohol free or for a fixed or discounted fee to the public or to a group defined by a particular characteristic (other than any promotion or discount available to an individual in respect of alcohol for consumption at a table meal, as defined in section 159 of the Act);

(c) provision of free or discounted alcohol or any other thing as a prize to encourage or reward the purchase and consumption of alcohol over a period of 24 hours or less;

(d) provision of free or discounted alcohol in relation to the viewing on the premises of a sporting event, where that provision is dependent on—

(i) the outcome of a race, competition or other event or process, or

(ii) the likelihood of anything occurring or not occurring;

(e) selling or supplying alcohol in association with promotional posters or flyers on, or in the vicinity of, the premises which can reasonably be considered to condone, encourage or glamorise anti-social behaviour or to refer to the effects of drunkenness in any favourable manner.

2. The responsible person shall ensure that no alcohol is dispensed directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of a disability).

3. The responsible person shall ensure that free tap water is provided on request to customers where it is reasonably available.

4.—(1) The premises licence holder or club premises certificate holder shall ensure that

Annex 1 –Mandatory Conditions

an age verification policy applies to the premises in relation to the sale or supply of alcohol.

(2) The policy must require individuals who appear to the responsible person to be under 18 years of age (or such older age as may be specified in the policy) to produce on request, before being served alcohol, identification bearing their photograph, date of birth and a holographic mark.

5. The responsible person shall ensure that–

(a) where any of the following alcoholic drinks is sold or supplied for consumption on the premises (other than alcoholic drinks sold or supplied having been made up in advance ready for sale or supply in a securely closed container) it is available to customers in the following measures–

(i) beer or cider: ½ pint;

(ii) gin, rum, vodka or whisky: 25 ml or 35 ml; and

(iii) still wine in a glass: 125 ml; and

(b) customers are made aware of the availability of these measures.

Door supervision: At specified times one or more individuals must be at the premises to carry out a security activity and each of these individuals must be licensed by the Security Industry Authority.

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

COMMUNICATIONS BETWEEN LICENSED PREMISES AND PUBWATCH

1. Premises will be communicating with other similar Licensed Premises in and around the area to prevent crime and disorder and generally to promote Licensing Objectives.
2. When the premises are open to the public, the communications link with the other participating licensed premises shall be switched on and available to and monitored by the Designated Premises Supervisor or a nominated member of staff.
3. Every incident of crime or disorder in the premises shall be reported via the text/pager or radio link to other participating licensed premises by the Designated Premises Supervisor or a nominated member of staff.
4. The Designated Premises Supervisor, when present, and all members of staff shall ensure that all lawful instructions and/or directions given by the Police are complied with.

TOUGHENED GLASSES/PLASTIC CONTAINERS

5. No person in possession of a drink in a sealed or unsealed container shall be allowed to enter the premises except for the purposes of delivery.
6. No drink shall be sold from a bar or by staff service or consumed in or on the premises other than in a container made from non-splintering plastic, paper or shatterproof glass. (Attention is to be drawn to the requirements of the Weights and Measures Act 1985).
7. No drink shall be removed from the premises in an unsealed container.

CCTV

8. A tamper proof CCTV system will be installed at the premises in liaison with and to the satisfaction of the Police Licensing and (London Borough of Haringey) Community Safety Officers and shall be used to record during all hours that a licensable activity takes place on the premises.
9. Where CCTV equipment is fitted, it shall be maintained in good working order in accordance with the manufacturer's instructions.
10. A written record shall be kept every time images are recorded by CCTV and shall include details of the recording medium used, the time and date recording commenced and finished. This record shall identify the person responsible for the recording and shall be signed by him/her. Where the recording is on a removable medium (i.e. videotape, compact disc, flash card, etc.), a secure storage system to store those recording mediums shall be provided.
11. The images recorded by the CCTV system shall be retained in unedited form for a period of not less than 31 days.

CAPACITY LIMITS

12. The maximum number of persons allowed in these premises shall be 100 on the Premises. There are currently no restrictions but in the interests of promoting the licensing objectives there will be kept in place procedures not to overload the premises.

PROOF OF AGE SCHEMES

13. No one will be allowed to sell alcohol at the Premises to those persons under the age of 18 without asking for a valid proof of ID. Our policy shall require any person who appears to be under the age of 18 years to produce a recognised proof of age card accredited under the Proof of Age Standards Scheme (PASS), a photo driving licence, a passport or office HM Forces or EU ID card bearing photo and date of birth.
14. A notice or notices will be displayed in and at the entrance to the premises where they can be clearly seen and read and shall indicate that it is unlawful for persons under 18 to

Annex 2 – Conditions consistent with the Operating Schedule

purchase alcohol or for any person to purchase alcohol on behalf of a person less than 18 years of age.

CRIME PREVENTION NOTICES

15. There will be displayed on the premises notice(s) to warn members of the public visiting the premises of any incidence of crime, which may affect them. The notice(s) shall be displayed and securely fixed and clearly visible to members of the public.

TRADING HOURS AND LICENSED ACTIVITIES SIGNS

16. There shall be displayed at the entrance to the premises a sign, which will be clearly visible to members of the public visiting those premises containing details of the trading hours under the Premises Licence, the licensable activities permitted on those premises and any maximum occupancy level set for the premises.
17. Where the Premises Licence has restrictions relating to the admission of children, a sign detailing those restrictions shall be displayed at the entrance to the premises where it is clearly visible to members of the public visiting those premises.

SEARCH POLICY (DRUGS AND WEAPONS)

18. There shall be in force for the premises a Drugs search policy for prospective customers which shall be developed in liaison with and to the satisfaction of the Wood Green Police Licensing Officer for the area concerned.
19. There shall be displayed throughout the premises a notice informing prospective customers of the search policy. The notice shall be securely fixed and visible to members of the public.
20. SIA door staff are required at the premises on Friday and Saturday from 2300 hrs to assist in the dispersal of customers from the area in a swift, efficient and safe manner.

PUBLIC SAFETY

EVACUATION OF DISABLED PERSONS

21. When disabled persons are present on the premises there shall be in place arrangements for their safe evacuation in the case of an emergency or other reason. Details of those arrangements shall be recorded in writing and all staff employed on the premises shall be made aware of those arrangements
21. All disabled persons on the premises shall be made aware of the evacuation arrangements.
23. The ground floor Cedar Road fire exit door remains as a fire exit only.

ALTERATIONS TO THE PREMISES

24. All parts of the premises shall at all times be kept free from defect and no changes or alterations of any kind to the surface finish or coverings including furniture and flooring on any part of the premises shall be made without the prior approval of the Council.

ESCAPE ROUTES

25. All exits and escape routes to those exits (including external escape routes) from the premises shall be provided with slip resistant even surfaces and shall be maintained in good repair, correct working order and kept free from all obstructions when the public are on the premises. External escapes route shall also be kept free from ice and snow.
26. The nosing on all steps and landings shall be maintained so that they are clearly visible by painting them in contrasting colours or other similar means.

Annex 2 – Conditions consistent with the Operating Schedule

- 27.** All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.
- 28.** Where a door on an escape route opens against the direction of exit travel, it shall be locked in the dampen position by a tamper-proof fastening when the public uses the premises and there shall be a clearly visible notice in capital letters which contains the following words, "THIS DOOR SHALL BE KEPT LOCKED IN THE OPEN POSITION WHEN THE PREMISES ARE OCCUPIED" displayed in a clearly visible position next to the door.
- 29.** All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be kept free from all fastening devices when the premises are open to the public.
- 30.** All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire officer or a Police Constable.
- 31.** The method of opening any exit door or gate from the premises or enclosure(s) surrounding it shall be clearly displayed immediately above or below the fastening in white block lettering on a green background in letters not less than 50 mm high.
- 32.** Where any automatic self-closing fire-resisting doors activated by a fire alarm or fire detection system are fitted within the premises they shall not be prevented from closing by any device and shall be marked to both sides of the doors so that they are clearly visible and positioned at or about eye level with the words "FIRE DOOR KEEP CLEAR" in block letters not less than 50 mm high when the premises are open to the public.
- 33.** Where a fire-resisting door is fitted within the premises and that door is required to be kept closed at all times then the door shall be clearly marked on both sides with a sign bearing the words "FIRE DOOR KEEP CLOSED" in block letters not less than 50 mm high and clearly visible when the premises are open to the public.
- 34.** Where a roller shutter or folding gate is used on any escape route, that shutter or gate shall be locked in the open position when the premises are open to the public.
- 35.** Any door or gate in the premises which is not an exit door or gate shall have a sign bearing the word "PRIVATE" in block letters not less than 50 mm high.
- 36.** Any chain, padlock or any other device used to lock an exit door when the premises are not in use shall be numbered and shall be removed and stored on a storage hook bearing the same number when the premises are open to the public.
- 37.** The furniture or seating in premises shall be arranged so that it does not obstruct any exit, route to any exit or to any facility within the premises.
- 38.** Where seats are arranged for a closely seated audience, the seating and gangways shall be fixed and arranged to allow free unobstructed access to exits, routes to exits and the facilities provided in the premises.

SAFETY CHECKS

- 39.** Before the premises are opened for the purposes authorised by the Licence an inspection shall be carried out to ensure that the premises are safe for use. Details of the inspection, defects discovered and remedial action taken shall be recorded in writing in a logbook kept

Annex 2 – Conditions consistent with the Operating Schedule

for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

CURTAINS, HANGINGS, DECORATIONS, UPHOLSTERY, CARPETS, WALLS AND CEILINGS

40. The premises shall be maintained so that the following fire retardancy standards are complied with:

- All upholstered seating meets on a continuous basis the pass criteria for smouldering ignition source 1 and crib ignition source 5 when tested in accordance with section 5 of BS 5852-1990.
- All repairs or refurbishment of existing seating or upholstery shall include the removal of untreated polyurethane foam and its replacement by fillings which conform to the Furniture and Furnishings (Safety) Regulations 1988 (as amended).
- Carpets-BS 4790 low radius of spread
- Walls and Ceilings—Circulation areas, Building Regulations. Class O General Areas, BS 476 Class 1.
- All artificial foliage, floral decorations or any other decoration provided on the premises shall be of inherently flameproof material.

41. Where any furnishing or fitting in the premises, including wall, floor and ceiling linings, requires further periodic treatment to maintain the surface spread of flame qualities, they shall be treated in accordance with the manufacturers specifications. When such treatment is carried out, a written record shall be made in the logbook kept for that purpose and a certificate showing the treatment has been carried out shall be obtained and retained for inspection by the Fire Authority.

42. No curtain, hanging or any other decoration shall be positioned so as to obstruct any exit, sign or fire fighting equipment. Curtains covering doorways should be divided down the middle and hung so that the lower edge of the curtain does not touch the floor. They should not obstruct notices, exit signs, fire fighting equipment, etc.

CONTROL OF OCCUPANCY LIMITS

43. At all times when the premises are used for the purpose of the Designated Premises Supervisor who is responsible for the management of the premises shall at all times be aware of the number of persons on the premises and shall if requested to do so give that information to an Authorised Officer of the Council, a Fire Officer or a Police Constable.

FIRE ACTION NOTICES

44. Printed notices are prominently displayed in the premises detailing the essential steps that must be taken if a fire is discovered or the fire alarm goes off or other emergency arises and how to call the Fire Service.

OUTBREAKS OF FIRE

45. A person who is nominated for the purpose of taking control in the event of a fire, fire alarm, emergency or event which may effect the safety of persons attending the premises shall be on and in charge of the premises at all times when any licensable activity is being provided. That person shall be responsible for calling the Fire Service in the event of any fire and that person shall also be responsible for meeting the Fire Service and advising them of the location of the fire.

46. Any outbreak of fire of any kind shall be reported to the Fire Service immediately and a written record shall be made in a logbook kept for that purpose.

Annex 2 – Conditions consistent with the Operating Schedule

LOSS OF WATER

47. Where the water supply to any hydrant, hose reel, sprinkler, drencher or any other fire extinguishing installation is cut off or restricted the Fire Service shall be notified immediately.

FIRST AID

48. The premises will at all times maintain on the premises at all times an adequate and appropriate supply of first aid equipment and materials.
49. At all times when the public are present, at least one person who holds a current recognised first aid certificate or award shall be present at the premises. Where more than one such person is present their duties shall be clearly defined.

LIGHTING

50. When the public, members or guests are present, the lighting levels in all parts of the premises shall be capable of providing sufficient illumination for the public, members or guests to leave the premises safely and there shall be at least one person who is nominated to switch on the house lights in an emergency situation.
51. All fire instruction signs shall be illuminated so that they can be easily read at all times when the public, members or guests are present at the premises.
52. The controls for the emergency lighting shall be protected from unauthorised use and accidental operation and the system designed so that the emergency lighting cannot be altered.
53. Every battery which is used to power an emergency light or exit sign shall be maintained in a fully charged condition at all times.
54. On every occasion before the public, members or guest are admitted to the premises an inspection of all normal and emergency lighting shall take place. A record shall be kept in a logbook of those tests and any faults discovered together with a record of the work carried out to repair those faults. All faults discovered shall be repaired immediately or if that cannot be done then as soon as is possible and the reason for the delay shall be entered in the logbook.

TEMPORARY ELECTRICAL INSTALLATIONS

55. No temporary electrical wiring or distribution system shall be installed in the premises unless the installation is carried out by a suitably qualified and competent person. The Premises Licence Holder shall obtain a certificate from that person that the installation is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder if requested to do so by an Authorised officer of the Council or an Officer of the Fire and rescue Service.
56. Where any temporary electrical wiring or distribution system has been installed in any premises by a person who is not competent to do so, the premises Licence Holder shall have the installation inspected and certified in writing by a suitably qualified and competent person that it is fit for purpose and complies with British Standard 7671 and where applicable, British Standard 7909. A copy of that certificate shall be produced by the Premises Licence Holder if requested to do so by an Authorised officer of the Council or an Officer of the Fire and Rescue Service.
57. A written notice has been served on the Licensing Authority not less than ten days before any work commences unless this is not possible due to time constraints. In such cases written notice shall be served as soon as is practicable.

Annex 2 – Conditions consistent with the Operating Schedule

SANITARY ACCOMODATION

58. The premises shall be provided with adequate and accessible lavatory accommodation which shall at all times when the premises are in use be kept clean, ventilated, disinfected and supplied with hot and cold water, soap, toilet tissue, hand drying and sanitary towel disposal facilities as appropriate.

THE PREVENTION OF PUBLIC NUISANCE

HOURS OF OPENING

59. The licensed premises/club premises or the parts of the licensed premises/club premises edged in red on the attached plan of the premises may be open to the public and their guests between the hours as set out in the Premises Licence Application Form.

PREVENTION OF NUISANCE FROM NOISE / VIBRATION

60. All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.
61. Entry to the premises will be restricted to main front entrance whilst the premises is being used for regulated entertainment licensed activity.
62. Entrance / exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout, as installed at present.
63. The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.
64. No nuisance shall be caused by noise coming from the premises or by vibration transmitted through the structure of the premises. No noise nuisance will be caused as Live Music will only be permitted occasionally and there will be no possibility of noise nuisance. Music will never be played very loudly in order to circumvent any nuisance thereto.
65. All external doors and windows shall be kept closed when regulated entertainment is being provided except in an event of an emergency.
66. The Licence Holder or his representative will conduct regular assessments of the noise coming from the premises on every occasion the premises are used for regulated entertainment and shall take steps to reduce the level of noise where it is likely to cause a disturbance to local residents. A written record shall be made of those assessments in a log book kept for that purpose and shall include the time and date of the checks, the person making them and the results including any remedial action.
67. There will be placed a dispersal policy/ warden scheme in place to assist dispersal of customers from the area in a swift, efficient and safe manner. Notices will be displayed at all exits from the premises in a place where they can be seen and easily read by the public, (or member and their guests) requiring customers to leave the premises and area quietly.
68. Refuse such as bottles shall be disposed of from the premises at a time when it is not likely to cause a disturbance to residents' in the vicinity of the premises.
69. That after 2300hrs on Friday and Saturday, regulated entertainment shall be limited to the basement area only.

STRUCTURE BORNE NOISE

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

Annex 2 – Conditions consistent with the Operating Schedule

SOUND LIMITS

71. The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property, including flats above premises.
72. All regulated entertainment amplified activity will utilise the in-house amplification system, the maximum output of which is controlled by the duty manager.
73. The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority. It will be a responsibility of the Premises Licence holder to request assistance, in writing and to ensure that the limiter is working effectively.

OUTSIDE AREAS

74. No music will be played in, or for the benefit of patrons in external areas of the premises.
75. No form of loudspeaker or sound amplification equipment is to be sited on or near the exterior premises or in or near any foyer, doorway, window or opening to the premises.
76. Signs shall be displayed in the external areas / on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

OFFENSIVE SMELLS

77. There shall be no emission from the premises of any offensive smells, which are likely to cause a nuisance.
78. Where there are any offensive smells created on the premises, provision shall be made for such smells to be vented from the premises so that they do not cause a nuisance to nearby premises.

WASTE MATERIALS

79. There shall be provided at the premises containers for the storage and disposal of waste foods and other refuse from the premises. Those containers shall be constructed, maintained and located so that access to them by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.
80. Where the premises provide food to the public for consumption on or off the premises there shall be provided at or near the exits, sufficient waste bins to enable the disposal of waste food, food containers, wrappings, etc.
81. Where the premises provide food for consumption off the premises, the public area immediately surrounding the premises shall be cleared of waste food, food containers, wrapping, etc. at the end of trading on each day. Such refuse shall be placed in a container designed for the storage and disposal of refuse and waste foods which shall be constructed, maintained and located so that access to it by vermin and unauthorised persons is prevented and arrangements shall be made for the regular lawful disposal of their contents.

LIGHT POLLUTION

82. No light from or on the premises and any other light under the control of the premises shall be provided where that light causes a nuisance to any nearby premises.

THE PROTECTION OF CHILDREN AGE RESTRICTIONS--GENERAL

83. No person under the age of 18 years shall be permitted on the premises when it is being used for the purposes of the supply of alcohol as mentioned above.

Annex 2 – Conditions consistent with the Operating Schedule

84. No person under the age of 12 years, unless they are accompanied by a person over the age of 18 years shall be permitted on the premises at any time between 2000 pm and 0200 am when the premises are being used for a licensable activity other than the supply of alcohol.

THE PORTMAN GROUP CODE OF PRACTICE ON THE NAMING, PACKAGING AND PROMOTING OF ALCOHOLIC DRINKS

85. The Premises Licence and the Designated Premises Supervisor shall at all times comply with the Portman Group Code of Practice and with the requirements or recommendations of any Portman Group Retailer Alert Bulletin.

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

RESOLUTION- 10TH DECEMBER 2013

The Committee carefully considered the application to vary the premises licence, all of the representations, the Council's Statement of Licensing Policy and the Section 182 guidance.

It was the Committee's decision to grant the application in part, as follows:

Opening hours of the premises:

Sunday-Thursday	1200 – 2330
Friday and Saturday	1200 – 0100

Provision of Regulated Entertainment, Live and Recorded Music:

Sunday-Thursday	2000 – 2300
Friday and Saturday	2000 – 0030

Late Night Refreshment:

Friday and Saturday	2300 – 0030
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Supply of Alcohol:

Sunday-Thursday	1230 – 2300
Friday and Saturday	1230 – 0030

Having heard the concerns about public nuisance to local residents, the Committee considered it appropriate and proportionate to impose the following conditions to promote the licensing objectives:

The conditions on the current licence will be carried over to the new licence and in addition, the Committee imposed the conditions recommended by the Enforcement Response Officer (Noise):

Prevention of nuisance from noise / vibration

All doors and windows will remain closed during the licensed regulated entertainment activities or in any event after 11pm. The entrance door will be fitted with a self-closing device and staff required to ensure that it is not propped open. A member of staff shall be made responsible to ensure the door is opened for as brief a period as possible. Where necessary adequate and suitable mechanical ventilation should be provided to public areas.

Entry to the premises will be restricted to main front entrance whilst the premises is being used for regulated entertainment licensed activity.

Entrance / exit from the premises whilst regulated entertainment licensable activities are ongoing shall be via a lobbied door to minimise noise breakout, as installed at present.

The regulated entertainment licensable activity shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.

Structure borne noise

In addition to present licence

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

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

Sound limits

The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property, including flats above premises.

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

The level of amplified regulated entertainment shall be controlled by means of a limiting device set at a level which upon request may be agreed with the licensing authority. It will be a responsibility of the Premises Licence holder to request assistance, in writing and to ensure that the limiter is working effectively.

Outside areas

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

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

Signs shall be displayed in the external areas / on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly. The management must reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.

In addition, the Committee imposed the conditions offered by the applicant:

That after 2300hrs on Friday and Saturday, regulated entertainment shall be limited to the basement area only.

SIA door staff are required at the premises on Friday and Saturday from 2300 hrs to assist in the dispersal of customers from the area in a swift, efficient and safe manner.

The Committee were concerned about issues of public safety given the potential increased capacity arising from the proposed basement extension and for that reason, imposed the condition that:

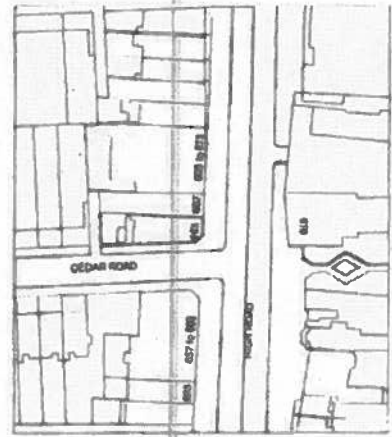
The ground floor Cedar Road fire exit door remains as a fire exit only. Furthermore for the avoidance of doubt, the capacity limit remains at a maximum of 100 persons.

Informative

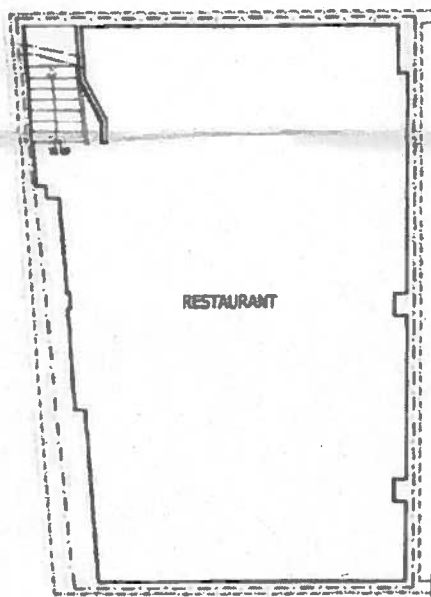
The Committee were concerned to note that there have been breaches of the current licensing conditions and the applicant is reminded that the licence can be the subject of a review if further breaches occur.

The applicant is also reminded that unless there is a DPS, who must hold a personal licence, alcohol may not be sold.

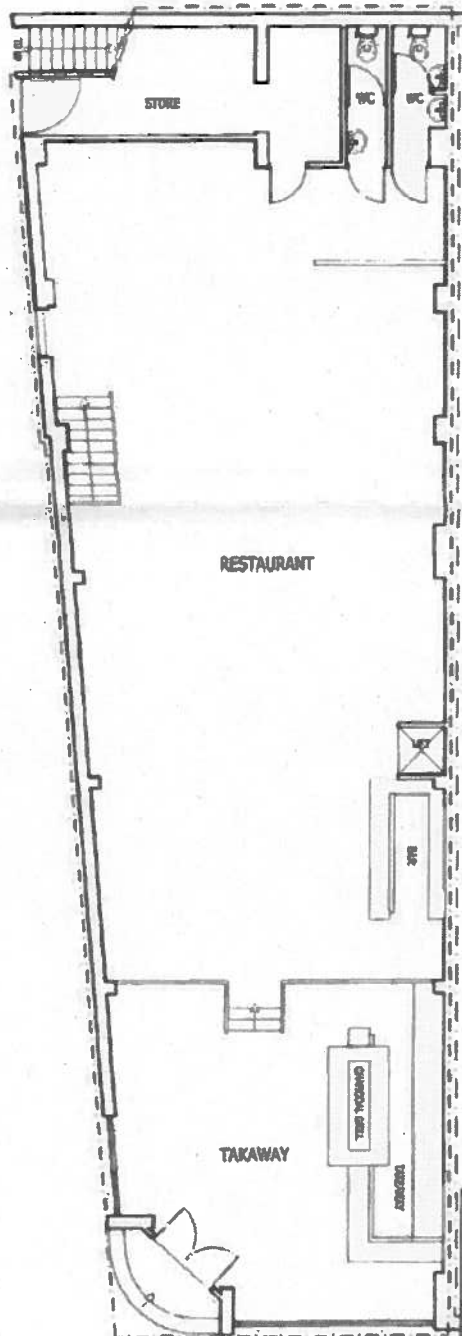
Annex 4 - Plans



SITE PLAN
SCALE 1/1250



PROPOSED BASEMENT FLOOR PLAN



PROPOSED GROUND FLOOR PLAN

— AMBIT OF REGARDING PREMISES

EXISTING SHOP AREA (INC. BASEMENT) 1232.20 m²

665 HIGH ROAD,
TOTTENHAM,
LONDON N17 8AD

EXISTING
- BASEMENT FLOOR PLAN
- GROUND FLOOR PLAN

SCALE 1/100

**APPENDIX 2 – ENVIROMENTAL HEALTH- ENFORCEMENT RESPONSE
REPRESENTATION**

Premises Licence review of the Istanbul Empire

665 High Road

Tottenham, N17 8AD

I am a Enforcement Response Officer in the Enforcement Response Team of Haringey Council and have been involved in the enforcement of noise nuisance legislation for over 18 years and also for approximately 4 years in the enforcement within the Licensing team.

I have examined the teams records and can say that we have had involvement with the commercial premises at 665 high road, Tottenham N17 8AD since October 2013. Our involvement initially was concerned with the premises operating outside of the times stipulated on the premises licence and excessively loud music from the premises which amounted to a noise nuisance.. An officer visited and advised the owner that they were outside of the premises licence times and that the music being played should stop and the premises stop trading.

The following evening a further complaint was received about the same problem. An Officer visited and witnessed further non compliance and written warnings for licensing offences and noise nuisance were served.

Eight more complaints were received but no further issues were witnessed until the 21st December 2013 when it was noticed that a condition of the premises licence (having SIA security officers working at the premises) was not being complied with. A further warning letter regarding this issue was sent at the end of December to Mr Burgar at the restaurant.

A further nine more complaints were received until the 20th January 2014 when an Officer visited and noticed several people outside the premises drinking and talking loudly. The officer spoke to the person who said he was the designated premises supervisor. It was also noted that the premises licence was not on display as required. As a result of the visit a letter was sent to the premises requesting that an appointment be made for a meeting to discuss the ongoing issues. Contact was received from Mr Burgar and an appointment made for a meeting on the 19th January 2014. This was not kept so a further appointment was made for the 18th March 2014.

On the 24th and 26th January further complaints were received which resulted in visits being made and noise nuisance being witnessed. A Noise Abatement Notice was served on the 28th January 2014 on Mr Gzim Burgar, the holder of the premises licence.

A further complaint was made in April 2014 and an officer visited the area but found the premises closed when he got there.

An Officer visited the area in July and witnessed further music from the premises. He then entered the premises and carried out a full risk assessment inspection. A Statement by the Officer detailing several failures to comply with conditions of the premises Licence is attached.

Attached: warning letter for noise nuisance 10th November 2013

Warning letter for licensing infringement 29th December 2013

Noise Abatement Notice served 28th January 2014

Letter regarding licensing issues and intent to review licence 30th January 2014

Statement of Mr Roberts regarding his visit on the 26th July 2014.



Mark Eastwood

Enforcement Response officer

Warning letter - noise

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



Group Manager Regulatory Services - Eubert Malcolm

Haringey Council

Bolero
665 High Road
Tottenham
London
N17 8AD

Our ref: P&S/RS WK/000266813

Date: 10th November 2013

Contact: Enforcement Response Team

Tel: 020 8489 1000

Email: enforcement.response@haringey.gov.uk

Re: Environmental Protection Act 1990 - Section 80 - Noise Nuisance
Address: Bolero, 665 High Road, Tottenham, London, N17 8AD
Type of noise: Loud music on 26th October 2013

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 for domestic premises. Fixed penalty notices of £100 for domestic 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

NS5 rev: August 2013

If you would like to comment about the service you have received, please complete our online survey. www.haringey.gov.uk/enforcementconsultations

Warning letter - Licensing

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



Group Manager Regulatory Services - Eubert Malcolm

Haringey Council

Mr Gzim Burgar
Bolero
665 High Road
Tottenham
London
N17 8AD

Our ref: P&S/RS WK/000266813

Date: 29th December 2013

Contact: Enforcement Response
Team

Tel: 020 8489 1000

Email: enforcement.response

Warning Letter: Licensing Act 2003

Address: Bolero, 665 High Road, Tottenham, London, N17 8AD

Following on from the visit I made on the 21st December 2013 at 23:55hrs the following was noted which is required under the conditions of the licence:

SIA door staff are required at the premises on Friday and Saturday from 2300 hrs to assist in the dispersal of customers from the area in a swift, efficient and safe manner.

When I visited your premises there were no SIA staff on duty at all. When I asked you why this was, you replied that there was supposed to be someone here but they were late and they would be arriving soon.

The following are extracted from the conditions of your licence.

- 27. All doors or gates both inside and outside the premises which are on an escape route shall be fitted only with approved fasteners and shall at all times be properly maintained, free from obstruction and be capable of being opened easily and fully so that they do not restrict the public leaving the premises and shall open in the direction of the escape route.**
- 28. Where a door on an escape route opens against the direction of exit travel, it shall be locked in the dampen position by a tamper-proof fastening when the public uses the premises and there shall be a clearly visible notice in capital letters which contains the following words, "THIS DOOR SHALL BE KEPT LOCKED IN THE OPEN POSITION WHEN THE PREMISES ARE OCCUPIED" displayed in a clearly visible position next to the door.**
- 29. All exit doors and gates from premises or enclosure(s) surrounding it shall be capable of being opened by any person without the use of a key, card, code or other similar means and be**

NS136 rev: October 2013

If you would like to comment about the service you receive, please complete our online survey www.haringey.gov.uk/enforcementconsultations

kept free from all fastening devices when the premises are open to the public.

30. All exit routes and doors on such routes shall be checked on every occasion before the premises is used for purposes of a licensable activity and at regular occasions when the premises are open to the public to ensure that they are free from defect, obstruction, trip hazards and surfaces are not slippery. A record of such inspections, any defects discovered and the remedial action taken shall be made in writing in a logbook kept for that purpose. That logbook shall be made available for inspection on demand to an Authorised Officer of the Council, a Fire officer or a Police Constable.

36. Any chain, padlock or any other device used to lock an exit door when the premises are not in use shall be numbered and shall be removed and stored on a storage hook bearing the same number when the premises are open to the public.

During my visit I noticed that the Emergency Exit on Cedar road had a security grill over the door which was padlocked closed from the outside. This was pointed out to you. This is a very severe failure to comply with the above premises licence conditions and potentially very dangerous for your customers and staff in an emergency situation.

You are therefore instructed to address these issues urgently, and if not compliant within 2 weeks from the date of this letter we will consider enforcement action or a review of your licence.

If you have any queries please do not hesitate to contact me on the above details.

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

This Authority may seek to prosecute if this or 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

NS136 rev: October 2013

If you would like to comment about the service you receive, please complete our online survey www.haringey.gov.uk/enforcementconsultations

Noise Abatement Notice and statement of service

London Borough of Haringey
Place & Sustainability
Enforcement Response

Ref: P&S/RS WK/000275733

Re: Premises: Bolero, 665 High Road,
Tottenham, London, N17
8AD

Prosecution Witness Statement
(Criminal Procedure Rules Part 27);
Criminal Justice Act 1967 s9; M.C. Act 1980 s5B

Statement of: : Charles Buckle
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: 28th January 2014

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 28th January 2014 I served a document dated 28th January 2014 and addressed to Mr Gzim Burgar of Bolero, 665 High Road, London, N17 by delivering it and handing it to Mr Gzim Burgar at 16.50 hours

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

Signed: 

*I certify that I have served in duplicate on every person named
on 28th January 2014 at 1650hrs*

EXHIBIT C13/1

Haringey Council

EPA90.Sec.80 LMV

Rev: October 2013

Environmental Protection Act 1990 - Part III

Statutory nuisance - Abatement notice

To: Mr Gzim Burgar

at: Bolero, 665 High Road, Tottenham, London, N17 8AD

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as Bolero, 665 High Road, Tottenham, London, N17 8AD

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 notwithstanding 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: 28th January 2014

Our Ref: P&S/RS WK/000275733

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

Assistant Director,
Single Frontline
Place & Sustainability
Regulatory Services
Enforcement Response
Unit 271, Lee Valley Technopark
Ashley Road, London, N17 9LN.

Telephone: 020 8489 1000


.....
for Eubert Malcolm, being the Officer appointed
for this purpose

This matter is being dealt with by:
Enforcement Response Team

Statutory Nuisance (Appeals) Regulations 1995 (S.I. 1995 No 2544)

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

(1) In these Regulations
(2) '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. This 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 60 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.

(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 than 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 50 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 87 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 than 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 or 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 of 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

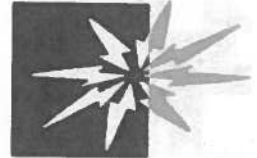
Revocations

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

Letter regarding licensing
issues.

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



Group Manager Regulatory Services - Eubert Malcolm

Haringey Council

Mr Gzim Burgar
Bolero Resturant
665 High Road
Tottenham
London
N17 8AD

Our ref: P&S/RS WK/000266813

Date: 30th January 2014

Contact: Enforcement Response Team

Tel: 020 8489 1000

email: enforcement.response

Dear Sir,

Proposed Premises License Review Letter: Licensing Act 2003
Address: Bolero, 665 High Road, Tottenham, London, N17 8AD

This letter notifies you that the Council are considering a Premises License Review in regard to the above premises having regard to the Licensing Objective of "Public Nuisance".

We have the following concerns which we request that you address and notify us in writing of the action you are taking:

To fully understand all conditions of your premises licence and to comply with them.

To be familiar with those conditions so that you would be able to demonstrate this upon request by the Councils Enforcement Officers or Police Officers visiting the premises.

To comply fully with the operating hours in regards to opening hours and supply of alcohol and entertainment.

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

Yours sincerely

Mark Eastwood
Enforcement Response Team

NS135 rev: January 2014

If you would like to comment about the service you receive, please complete our online survey www.haringey.gov.uk/enforcementconsultations

Statement of Mr George Roberts.

London Borough of Haringey
Place & Sustainability
Regulatory Services

Ref: P&S/RS WK/000292136

Re: Premises: Istanbul Empire, 665 High Road,
Tottenham, London, N17 8AD

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

Statement of: : George Roberts
Age of Witness: : Over 18 years
Occupation of Witness: : Enforcement Response Officer
Address: : Technopark, Ashley Road, London, N17 9LN

This Statement, consisting of 5 pages 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: 24th August 2014

Signed: 

- 1) I am employed by the London Borough of Haringey as an Enforcement Response Officer. My duties include inspections and enforcement of the provisions of the Licensing Act 2003.
- 2) On 26th July 2014 whilst on duty at 0230 hrs, I passed within approximately 50 yards of the Istanbul Empire, 665 High Road, Tottenham, London, N17 8AD and heard loud music coming from the basement of the premises. The shutters were down but after a quick check I noticed the front door was open, so I decided to return to my office and retrieve a copy of the premises licence.

Signed: 

Continuation of Statement of: George Roberts

3) At 0255 hrs I returned to the Istanbul Empire, 665 High Road, Tottenham, London, N17 8AD and spoke to Mr Burgr the manager of the premises. I confirmed that they had no Temporary Events Notice (TEN) in place and all of the customers were in the basement area at the time of my visit.

4) I then carried out an inspection of the premises in relation to all of the conditions on the premises licence, and confirmed the following breaches of the premises licence:

- Regulated entertainment should have stopped at 0030 hrs
- Supply of alcohol should have stopped at 0030 hrs
- Premises should have shut at 0100 hrs
- Dancing was witnessed and is not licensed for this venue
- Plastic drinking vessels were not being used
- CCTV system not tamper proof
- No written record kept every time CCTV images recorded
- No notice(s) at the entrance of the premises re illegal to sell alcohol to under 18's
- No sign at entrance with details of trading hrs, licensable activities permitted and max occupancy
- No SIA door staff on duty


Signed:



Continuation of Statement of: George Roberts

- Fire exit in raised dining area not capable of being opened easily –
Not a push bar system
- Fire exit in raised dining area not free from fastening devices when
open to the public
- No logbook re exits routes and doors
- Fire exit in raised dining area had no method of opening fire exit
displayed in white block lettering on green background not less than
50 mm high
- Fire exit in raised dining area not closed at all times and not marked
with sign stating “fire door keep closed”
- Padlock securing gate outside of fire exit in raised dining area not
numbered or allocated a storage hook
- No logbook re safety inspections
- Upholstered seats in raised dining area not confirmed as conforming
to the BS 5852-1990 safety standard
- Artificial foliage not confirmed as made from inherently flame proof
material
- No notices displayed detailing essential steps to be taken if fire
discovered or the fire alarm goes off or other emergency and how to
call fire service

Signed:



Continuation of Statement of: George Roberts

- No logbook re fire service reports
 - No first aid qualified member of staff on premises at time of visit
 - Fire signs not illuminated at all times
 - Emergency lighting controls not protected from unauthorised use
 - No logbook re normal and emergency lighting tests
 - No lobby door at main entrance
 - No logbook re noise assessments
 - No notices requiring customers leave premises and area quietly
 - Speakers not fitted on anti vibration mounts
 - Music heard at the site boundary of residential properties in area
 - No limiting device for regulated entertainment
 - No signs for customers using outside areas to smoke requesting that they recognise the residential nature of the area etc
- 5) I advised Mr Burgr that I would be querying the condition requiring that "There shall be in force for the premises a Drugs search policy for prospective customers which shall be developed in liaison with and to the satisfaction of the Wood Green Police Licensing Officer for the area concerned."
- 6) I also advised Mr Burgr that I was not satisfied with the fire exits and would be querying their conformity to requirements.

Signed:



Continuation of Statement of: George Roberts

- 7) I then left the premises but realised on my way back to my office in the car that my clothing smelt strongly of cigarette smoke, which I had not noticed prior to visiting the Istanbul Empire, 665 High Road, Tottenham, London, N17 8AD. This led me to suspect that people had been smoking in the basement area.
- 8) I then called the police on CAD reference 2100 of 26th July 2014, because after asking Mr Burgr to empty the premises as they should have been closed at the beginning of my inspection, there were still customers in the premises nearly an hour later. He was slow to act and by the time my inspection was ending (as I had come near to the end of my shift time) there was a small group of customers milling around outside, and still customers in the basement so I requested police attend to empty the premises, as I suspected that customers who were milling around outside would re-enter premises, and rejoin others still drinking alcohol in the basement.

Signed:





Date: 29th October 2013

Our ref:

Direct dial: 020 8489 8232

Email: Daliah.barrett@haringey.gov.uk

For a large print copy contact 020 8489 8232

Mr Gzim Burgar
Flat 6
Wyclif Court
London EC1V 0EL

Dear Sirs,

WARNING LETTER

LICENSING ACT 2003- SECTION 136- UNLICENSED LICENSABLE
ACTIVITY- BOLERO formerly CIRRICK RESTAURANT-665 HIGH ROAD
TOTTENHAM LONDON N17.

We give you formal notice that the premises is not able to offer licensable activity outside the terms of the license. The premises has been witnessed on the 25th and 27th October 2013 to be allowing licensable activity beyond the permitted times.

It is an offence to provide licensable activity without benefit of a license. This constitutes an offence under the Licensing Act 2003 and other related legislation.

In particular , I would advise you that Section 136(1) (a) of the Licensing Act 2003 states that:

A person commits an offence if-

(c) He 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

(d) knowingly allows a licensable activity to be so carried on.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

This Service warns you that should any offence be further witnessed, consideration will be given to legal action.

It is the practice of the Licensing Team to send officers to visit premises to check to see if unauthorised activities are being offered. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to staff on site at the time of the visit.

Any other authorities that have an interest in any matters noted during the visits will be notified of these matters. You may receive follow up visits from them also.

Please ensure that you act promptly on this letter. If you require advice or assistance on how to comply with the matters raised please contact us on the telephone number given below.

The onus is upon you as the person in control of the business to ensure compliance with the law. It is disconcerting, that as new owners at the premises you are already showing that you have no regard to be a responsible license holder.

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

Yours sincerely,

**DALIAH BARRETT-WILLIAMS
LICENSING TEAM LEADER**



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE



Date: 12th December 2013

Our ref:

Direct dial: 020 8489 8232

Email: Daliah.barrett@haringey.gov.uk

For a large print copy contact 020 8489 8232

Mr G Burgar
Bolero
665 High Road
Tottenham
London n17

Dear Mr G Burgar,

WARNING LETTER

LICENSING ACT 2003- NO DESIGNATED PREMISES SUPERVISOR AT THE PREMISES – BOLERO, 665 HIGH ROAD, TOTTENHAM N17.

We are aware that the named DPS Mr G Burgar does not hold a personal license you are formally notified that there can be no alcohol sales at the above named premises.

In particular , I would advise you that Section 136(1) (a) of the Licensing Act 2003 states that:

A person commits an offence if-

(c) He 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

(d) knowingly allows a licensable activity to be so carried on.

A person guilty of an offence under this section is liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding £20,000, or to both.

This Service warns you that should any offence be substantiated, consideration will be given to legal action.

It is the practice of the Licensing Team to send officers to visit premises to check to see if unauthorised activities are being offered. Licensing officers will gain admission to the premises in the same way as ordinary members of the public, and will not necessarily make themselves known to staff on site at the time of the visit.

Any other authorities that have an interest in any matters noted during the visits will be notified of these matters. You may receive follow up visits from them also.

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

Yours sincerely,

**DALIAH BARRETT-WILLIAMS
LICENSING TEAM LEADER**



2005-2006
Getting Closer to Communities



INVESTOR IN PEOPLE

APPENDIX 3 – LETTER OF REPRESENTATION FROM ‘OTHER PARTIES’

Lead Officer Licensing
Haringey Council
Technopark
Ashley Road
Tottenham
London, N17 9LN

7 September 2014

Dear Sir/Madam,

RE: Bolero/Istanbul Empire, 665 High Road, Tottenham, London N17 8DA

In respect of the review of the licensing for Bolero/Istanbul Empire, I would like to stress that the owner's inability to comply with the current licensing terms is causing my tenants and myself great concerns about the prevention of crime and disorder in the area.

As you know the High Street and Cedar Road and adjacent streets have been an area of intervention for the police over a number of years. It was the reason for my first letter to you when the license was issued.

The owner of Bolero/Istanbul Empire, by not respecting the licensing hours is perpetuating a culture of disrespect for the rule of the law in the area, promoting bad neighbourhood behaviour and the risk of maintenance and/or escalation of criminality.

My tenants have noted that although the venue no longer opens late every night, *'they throw big parties about once a week, and the music can be very loud. On one occasion, the police was called on the site to stop the party. Even though it is less often, it is more of a disturbance.'*

I would therefore urge you to consider how their clear disregard for the current licensing hours and their contractual agreement with the council and with the authorities is preventing the people who live in the area to develop a more productive neighbourhood culture.

The lack of compliance from the owner, in spite of the intervention of the police, shows a poor ability for responsible behaviour and for the costs of police interventions to the tax payer, consistently undermining all local efforts and draining public resources.

Thank you for considering this when you do the review.

Kind regards.



Alice Lemaitre

Owner: 10 Criterion House, Cedar Road, London N17

APPENDIX 4 – SECRETARY OF STATE'S GUIDANCE

11. Reviews

The review process

- 11.1 The proceedings set out in the 2003 Act for reviewing premises licences and club premises certificates represent a key protection for the community where problems associated with the licensing objectives occur after the grant or variation of a premises licence or club premises certificate.
- 11.2 At any stage, following the grant of a premises licence or club premises certificate, a responsible authority, or any other person, may ask the licensing authority to review the licence or certificate because of a matter arising at the premises in connection with any of the four licensing objectives.
- 11.3 An application for review may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written application. The licensing authority may also agree in advance that the application need not be given in writing. However, these applications are outside the formal electronic application process and may not be submitted via GOV.UK or the licensing authority's electronic facility.
- 11.4 In addition, the licensing authority must review a licence if the premises to which it relates was made the subject of a closure order by the police based on nuisance or disorder and the magistrates' court has sent the authority the relevant notice of its determination, or if the police have made an application for summary review on the basis that premises are associated with serious crime and/or disorder.
- 11.5 Any responsible authority under the 2003 Act may apply for a review of a premises licence or club premises certificate. Therefore, the relevant licensing authority may apply for a review if it is concerned about licensed activities at premises and wants to intervene early without waiting for representations from other persons. However, it is not expected that licensing authorities should normally act as responsible authorities in applying for reviews on behalf of other persons, such as local residents or community groups. These individuals or groups are entitled to apply for a review for a licence or certificate in their own right if they have grounds to do so. It is also reasonable for licensing authorities to expect other responsible authorities to intervene where the basis for the intervention falls within the remit of that other authority. For example, the police should take appropriate steps where the basis for the review is concern about crime and disorder. Likewise, where there are concerns about noise nuisance, it is reasonable to expect the local authority exercising environmental health functions for the area in which the premises are situated to make the application for review.
- 11.6 Where the relevant licensing authority does act as a responsible authority and applies for a review, it is important that a separation of responsibilities is still achieved in this process to ensure procedural fairness and eliminate conflicts of interest. As outlined previously in Chapter 9 of this Guidance, the distinct functions of acting as licensing authority and responsible authority should be exercised by different officials to ensure a separation of responsibilities. Further information on how licensing authorities should achieve this separation of responsibilities can be found in Chapter 9, paragraphs 9.13 to 9.19 of this Guidance.

- 11.7 In every case, any application for a review must relate to particular premises in respect of which there is a premises licence or club premises certificate and must be relevant to the promotion of one or more of the licensing objectives. Following the grant or variation of a licence or certificate, a complaint regarding a general issue in the local area relating to the licensing objectives, such as a general (crime and disorder) situation in a town centre, should generally not be regarded as a relevant representation unless it can be positively tied or linked by a causal connection to particular premises, which would allow for a proper review of the licence or certificate. For instance, a geographic cluster of complaints, including along transport routes related to an individual public house and its closing time, could give grounds for a review of an existing licence as well as direct incidents of crime and disorder around a particular public house.
- 11.8 Where a licensing authority receives a geographic cluster of complaints, the authority may consider whether these issues are the result of the cumulative impact of licensed premises within the area concerned. In such circumstances, the authority may also consider whether it would be appropriate to include a special policy relating to cumulative impact within its licensing policy statement. Further guidance on cumulative impact policies can be found in Chapter 13 of this Guidance.
- 11.9 Representations must be made in writing and may be amplified at the subsequent hearing or may stand in their own right. Additional representations which do not amount to an amplification of the original representation may not be made at the hearing. Representations may be made electronically, provided the licensing authority agrees and the applicant submits a subsequent written representation. The licensing authority may also agree in advance that the representation need not be given in writing.
- 11.10 Where authorised persons and responsible authorities have concerns about problems identified at premises, it is good practice for them to give licence holders early warning of their concerns and the need for improvement, and where possible they should advise the licence or certificate holder of the steps they need to take to address those concerns. A failure by the holder to respond to such warnings is expected to lead to a decision to apply for a review. Co-operation at a local level in promoting the licensing objectives should be encouraged and reviews should not be used to undermine this co-operation.
- 11.11 If the application for a review has been made by a person other than a responsible authority (for example, a local resident, residents' association, local business or trade association), before taking action the licensing authority must first consider whether the complaint being made is relevant, frivolous, vexatious or repetitious. Further guidance on determining whether a representation is frivolous or vexatious can be found in Chapter 9 of this Guidance (paragraphs 9.4 to 9.10).

Repetitious grounds of review

- 11.12 A repetitious ground is one that is identical or substantially similar to:
- a ground for review specified in an earlier application for review made in relation to the same premises licence or certificate which has already been determined; or
 - representations considered by the licensing authority when the premises licence or certificate was granted; or
 - representations which would have been made when the application for the premises licence was first made and which were excluded then by reason of the prior issue of a provisional statement; and, in addition to the above grounds, a reasonable interval has not elapsed since that earlier review or grant.

- 11.13 Licensing authorities are expected to be aware of the need to prevent attempts to review licences merely as a further means of challenging the grant of the licence following the failure of representations to persuade the licensing authority on an earlier occasion. It is for licensing authorities themselves to judge what should be regarded as a reasonable interval in these circumstances. However, it is recommended that more than one review originating from a person other than a responsible authority in relation to a particular premises should not be permitted within a 12 month period on similar grounds save in compelling circumstances or where it arises following a closure order.
- 11.14 The exclusion of a complaint on the grounds that it is repetitious does not apply to responsible authorities which may make more than one application for a review of a licence or certificate within a 12 month period.
- 11.15 When a licensing authority receives an application for a review from a responsible authority or any other person, or in accordance with the closure procedures described in Part 8 of the 2003 Act (for example, closure orders), it must arrange a hearing. The arrangements for the hearing must follow the provisions set out in regulations. These regulations are published on the Government's legislation website (www.legislation.gov.uk). It is particularly important that the premises licence holder is made fully aware of any representations made in respect of the premises, any evidence supporting the representations and that the holder or the holder's legal representative has therefore been able to prepare a response.

Powers of a licensing authority on the determination of a review

- 11.16 The 2003 Act provides a range of powers for the licensing authority which it may exercise on determining a review where it considers them appropriate for the promotion of the licensing objectives.
- 11.17 The licensing authority may decide that the review does not require it to take any further steps appropriate to promote the licensing objectives. In addition, there is nothing to prevent a licensing authority issuing an informal warning to the licence holder and/or to recommend improvement within a particular period of time. It is expected that licensing authorities will regard such informal warnings as an important mechanism for ensuring that the licensing objectives are effectively promoted and that warnings should be issued in writing to the licence holder.
- 11.18 However, where responsible authorities such as the police or environmental health officers have already issued warnings requiring improvement – either orally or in writing – that have failed as part of their own stepped approach to address concerns, licensing authorities should not merely repeat that approach and should take this into account when considering what further action is appropriate.
- 11.19 Where the licensing authority considers that action under its statutory powers is appropriate, it may take any of the following steps:
- modify the conditions of the premises licence (which includes adding new conditions or any alteration or omission of an existing condition), for example, by reducing the hours of opening or by requiring door supervisors at particular times;
 - exclude a licensable activity from the scope of the licence, for example, to exclude the performance of live music or playing of recorded music (where it is not within the incidental live and recorded music exemption);
 - remove the designated premises supervisor, for example, because they consider that the problems are the result of poor management;

- suspend the licence for a period not exceeding three months;
 - revoke the licence.
- 11.20 In deciding which of these powers to invoke, it is expected that licensing authorities should so far as possible seek to establish the cause or causes of the concerns that the representations identify. The remedial action taken should generally be directed at these causes and should always be no more than an appropriate and proportionate response.
- 11.21 For example, licensing authorities should be alive to the possibility that the removal and replacement of the designated premises supervisor may be sufficient to remedy a problem where the cause of the identified problem directly relates to poor management decisions made by that individual.
- 11.22 Equally, it may emerge that poor management is a direct reflection of poor company practice or policy and the mere removal of the designated premises supervisor may be an inadequate response to the problems presented. Indeed, where subsequent review hearings are generated by representations, it should be rare merely to remove a succession of designated premises supervisors as this would be a clear indication of deeper problems that impact upon the licensing objectives.
- 11.23 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 an appropriate 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 appropriate and proportionate to the promotion of the licensing objectives. But where premises are found to be trading irresponsibly, the licensing authority should not hesitate, where appropriate to do so, to take tough action to tackle the problems at the premises and, where other measures are deemed insufficient, to revoke the licence.

Reviews arising in connection with crime

- 11.24 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; money laundering by criminal gangs, the sale of contraband or stolen goods, 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. The licensing authority's role when determining such a review is not therefore to establish the guilt or innocence of any individual but to ensure the promotion of the crime prevention objective.
- 11.25 Reviews are part of the regulatory process introduced by the 2003 Act and they are not part of criminal law and procedure. 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. 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 beyond any finding by the courts, which should be treated as a matter of undisputed evidence before them.

- 11.26 Where the licensing authority is conducting a review on the grounds 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 licence holder 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 appropriate 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 licence holder.
- 11.27 There is certain criminal activity that may arise in connection with licensed premises which should be treated particularly seriously. These are the use of the licensed premises:
- for the sale and distribution of Class A drugs and the laundering of the proceeds of drugs crime;
 - for the sale and distribution of illegal firearms;
 - for the evasion of copyright in respect of pirated or unlicensed films and music, which does considerable damage to the industries affected;
 - for the illegal purchase and consumption of alcohol by minors which impacts on the health, educational attainment, employment prospects and propensity for crime of young people;
 - for prostitution or the sale of unlawful pornography;
 - by organised groups of paedophiles to groom children;
 - as the base for the organisation of criminal activity, particularly by gangs;
 - for the organisation of racist activity or the promotion of racist attacks;
 - for knowingly employing a person who is unlawfully in the UK or who cannot lawfully be employed as a result of a condition on that person's leave to enter;
 - for unlawful gambling; and
 - for the sale of smuggled tobacco and alcohol.
- 11.28 It is envisaged that licensing authorities, the police and other law enforcement agencies, which are responsible authorities, will use the review procedures effectively to deter such activities and crime. Where reviews arise and the licensing authority determines that the crime prevention objective is being undermined through the premises being used to further crimes, it is expected that revocation of the licence – even in the first instance – should be seriously considered.

Review of a premises licence following closure order

- 11.29 Licensing authorities are subject to certain timescales, set out in the legislation, for the review of a premises licence following a closure order. The relevant time periods run concurrently and are as follows:
- when the licensing authority receives notice that a magistrates' court has made a closure order it has 28 days to determine the licence review – the determination must be made before the expiry of the 28th day after the day on which the notice is received;

- the hearing must be held within ten working days, the first of which is the day after the day the notice from the magistrates' court is received;
- day (there must be five clear working days between the giving of the notice and the start of the hearing).

Review of a premises licence following persistent sales of alcohol to children

- 11.30 Where persistent sales of alcohol to children have occurred at premises, responsible authorities should consider applying for a review of the licence, whether there has been a prosecution for the offence under section 147A or a closure notice has been given under section 169A of the 2003 Act. In determining the review, the licensing authority should consider revoking the licence if it considers this outcome is appropriate. Responsible authorities should consider taking steps to ensure that a review of the licence is routine in these circumstances.

APPENDIX 5 – THE PROVENTION OF CRIME AND DISORDER POLICY STATEMENT

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

Licencees 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.

2 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: