

4. REPORT

Background

A premises licence was originally granted to Mr Ossama Wagdi in October 2006. It permitted late night refreshment and the sale of alcohol from the premises. Mr Wagdi has not been a position to do alcohol sales as he does not hold a Personal Licence.

The premises operates as a take away selling kebabs and burgers. To the rear of the premises is a shed Mr Wagdi has built without Planning Permission and it is used for shisha smoking throughout the day and night . This shed is surrounded by residential properties and sits within a shared walkway at the rear of the premises. Environmental Health Officers received complaints of noise nuisance from 443 West Green Road and on investigating found the shed and rear of the premises to be the cause of the problem. The EHO served an Abatement Notice on Mr Wagdi on 8th June 2016. Further complaints were received on 26th June and on this occasion when officers visited the premises they were confronted with aggressive behaviour from the patrons at the premises.

The premises has been subject to residents concerns for a period of time which were directed to Ward Members and the Planning Service generally.

The report from the ASBAT Team officer stated the following "Ward Councillors reported that there have been complaints of noise, anti social behaviour and drug taking/dealing coming from premises on West Green Road close to Hallam Road.

The ASB issues in Hallam Road do appear to have stemmed from the Maharaba Social Club – primarily as it operates a Shisha Bar at the rear of the property (with an opening on Stanley Road). ASBAT have liaised with licensing in relation to this but there are no prohibitions in relation to the shisha smoking, as it does not amount to breach of current licence. There is continued noise nuisance which the ASBAT are trying to evidence; we are unable to rely on residents owing to fear of reprisals and are currently exploring other avenues e.g. assistance from Noise Team"

This was taken from the Chief Executive area walkabout briefing in March 2015 and gives a sense of the length of time the premises has been a cause of some concern for nearby residents.

Within the report pack at **Appendix 1B** are pictures taken in July 2016 at the premises showing the shisha hut at the back and the alleyway.

The licence is shown at **Appendix 1A**.

Licensable activities authorised by the Licence:

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

Supply of alcohol

Monday to Sunday 1100 to 0400

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0400

The opening hours of the premises:

Monday to Sunday 1100 to 0430

The designated premises supervisor is: None.

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

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

The operation of the premises has failed to uphold the Licensing Objectives of The Prevention of Crime and Disorder and Public Safety.

The premises were found to be stocking and selling non duty paid tobacco and alcohol from the premises.

5.0 RELEVANT REPRESENTATIONS (CONSULTATION)

Responsible authorities:

5.1 Comments of Metropolitan Police

No representation made.

5.2 Comments of Enforcement Services:

No representation made

5.3 Comments of The London Fire and Emergency Planning Authority

No representation made.

6.0 Comments of Interested Parties

No comments made.

7.0 POLICY CONSIDERATIONS

7.1 The following provisions of the Licensing Act 2003 apply to this application: Section 51-53 (review of premises licenses)

In determining the application the Licensing Sub Committee can take such steps as it considers necessary for the promotion of the licensing objectives, which are:

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

Where the Licensing Sub Committee takes steps mentioned in 3 or 4 it may provide that the modification or exclusion is to have effect for one such period (not exceeding three months) as it may specify. The Licensing Sub Committee is asked to give full reasons for its decision.

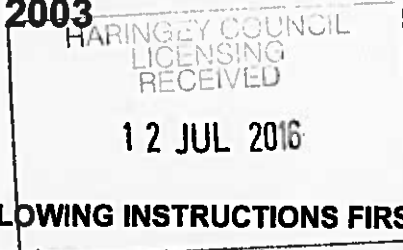
The Licensing Sub Committee must make its decision within 5 working days of the end of the hearing. Any decision of the Licensing Sub Committee is stayed from coming into effect for 21 days from the date of the decision, pending any appeal that might be made and the determination of that appeal. Any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

- 8.0 The following provisions of the Secretary of State's guidance apply to this Application these are attached at **Appendix 2**.
- 8.1 The licensing authority's Statement of Licensing Policy apply to this application, these provisions are attached at **Appendix 3**.
- 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 AND SUPPORTING DOCUMENTS.

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

(1)



Reference number:
WK/358331

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary. You may wish to keep a copy of the completed form for your records

(2) **I, Derek Pearce** apply for the review of a premises license under section 51 of the Licensing Act 2003 for the premises described in Part 1 below

Part 1 - Premises or club premises details

Postal address of premises or club premises, or if none, Ordnance Survey map reference or description Tasty Hutt (Marhaba), Shop, 443 West Green Road, Tottenham, London,.	
Post town London	Postcode (if known) N15 3PL
Telephone number (if any)	

Name of premises licence holder or club holding club premises certificate (if known) Ossama Wagdi, Flat 30 Birch House, 5 Droop Street, London, W10 4EQ
--

Number of premises licence or club premises certificate (if known) LN/000003077
--

Part 2 - Applicant details

I am a responsible authority

Please tick ✓ yes

- 1) an interested party (please complete section (A) or (B) below)
- a) a person living in the vicinity of the premises
- b) a body representing persons living in the vicinity of the premises
- c) a person involved in business in the vicinity of the premises
- d) a body representing persons involved in business in the vicinity of the premises

Delete any words in square brackets which do not apply

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

Please tick ✓ yes

2) a responsible authority ✓ (please complete (C))



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

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

Mr

Mrs

Miss

Ms

Other title
(for example, Rev)

Surname

First names

I am 18 years old or over

Please tick ✓ yes

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Current address

Post town

Postcode

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Daytime contact telephone number

E-mail address
(optional)

(B) DETAILS OF OTHER APPLICANT

Name and address

Post town

Postcode

<input type="text"/>	<input type="text"/>
----------------------	----------------------

Date of birth

Day	Month	Year
<input type="text"/>	<input type="text"/>	<input type="text"/>

Telephone number (if any)

E-mail address
(optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Derek Pearce Team Leader Enforcement Response Haringey Council Alexandra House, 10 Station Road, London, N22 7TR	
Post town London	Postcode N22 7TR

Telephone number (if any) Tel: 020 8489 5264

E-mail address derek.pearce@haringey.gov.uk

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

Please tick one or more boxes

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

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

Complaints have been made to the Haringey Council Enforcement Response team about noise from loud music and loud voices at the premises. This has resulted in a noise abatement notice being served upon Mr Wagdi dated 8th June 2016. This abatement notice has been breached on more than one occasion resulting in a fixed penalty notice and also with prosecution action being considered. On 26th June 2016 whilst on duty at 23:06 on 26th June 2016 officers received a complaint and subsequently visited the above address to investigate noise from loud shouting and talking at the rear of the premises. After the visit and as they were leaving the officers felt that their safety was at risk and they were in danger when several men from the premises one of which said he was a partner in the business followed the officers to their car, filming them on a mobile phone. As the officers got to their car one of the men became more threatening and pulled open the driver's door.

We do not consider that the behaviour exhibited by management at the premises is consistent with the holding of a Premises Licence

Please provide as much information as possible to support the application

(please read guidance note 2)

Please tick ✓ yes

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

If yes, please state the date of that application

Day	Month	Year

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

Please tick ✓ yes

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

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

Part 3 - Signatures (please read guidance note 3)

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

Signature _____



Date _____

11/7/16

Capacity: Enforcement Response Officer

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5)

Post town

Postcode

Telephone number (if any)

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

Notes for Guidance

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

Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation:

Derek Pearce, Team Leader Enforcement Response

Our Reference: WK358331

Date: 3rd August 2016

Premises: Tasty Hutt (Marhaba) [Taste of Lebanon], 443 West Green Road, N15 3PL

Type of application: Review

I would like to confirm that I have considered the Review with regard to the prevention of public nuisance on behalf of the Enforcement Response (Noise) Team & would like to make additional representations to the Application.

The operating hours are inappropriate due to the close proximity of residential dwellings and the poor management of the premises. Whilst the Premises Licence permits the sale of alcohol from 11:00 to 04:00 there has been no Designated Premises Supervisor and it is our view that sale of alcohol should be removed from the Licence.

Supporting Information

I carried out a visit to the premises on the afternoon of 3rd August 2016. The layout of the premises is of a takeaway with a couple of small tables and no public access past a counter into the area shown on the Premises Licence plan [Item DP1] as Sitting area (ground floor) and Sitting area (basement). This is quite different from that which is shown on the Premises Licence plan.

Many complaints have been received about noise from the premises and in particular from the rear area shown on the Land Registry title plan / Leasehold / Freehold [DP2 - 4] and this has led to the service of a noise abatement notice [DP5a and DP5b]

This representation recommends that at the Review hearing consideration is given to revoking the Premises Licence or if the Licensing sub-committee deems this to be inappropriate to suspending the Premises Licence for a period to give the management the opportunity to respond to some of the issues raised

The following is an abstract from the Premises Licence:

"Licensable activities authorised by the Licence.

Supply of alcohol

Provision of Late Night Refreshment

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

Supply of alcohol

Monday to Sunday 1100 to 0400

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0400

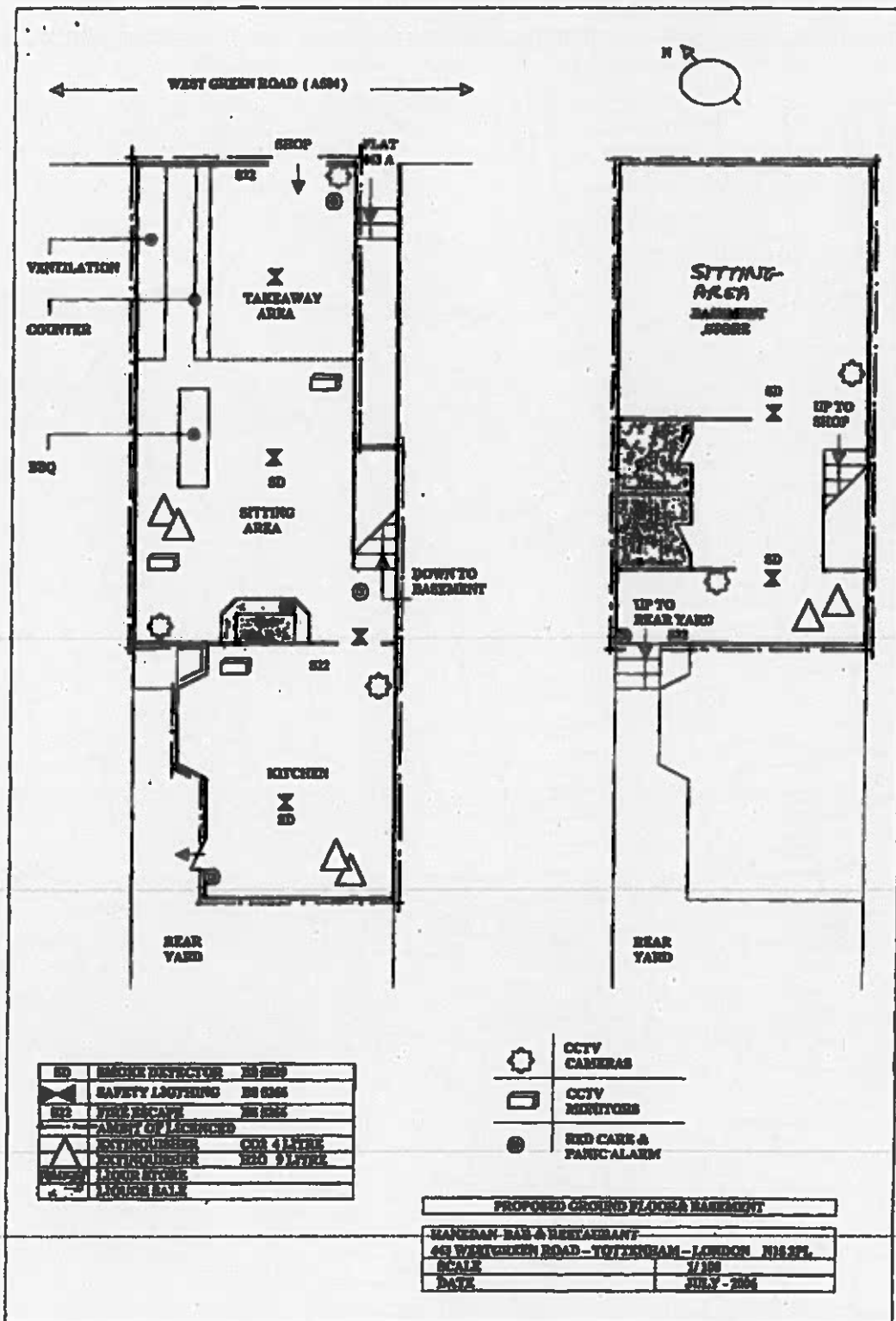
The opening hours of the premises:

Monday to Sunday 1100 to 0430"

However the Premises Licence is marked with a note "NO SUPPLY OF ALCOHOL IS PERMITTED UNTIL A DPS IS APPOINTED" and for this reason currently there has only been Late Night Refreshment permitted under the Licence.

The Premises Licence shows the holder to be Mr Ossama Wagdi, Flat 30 Birch House, 5 Droop Street, London, W10 4EQ but upon questioning over the phone Mr Wagdi gave his address as Flat 22, Invergarry House, 45, Carlton Vale, Kilburn, London, NW6 5EP.

DPI



Land Registry
Current title plan

Title number EGL310955
Ordnance Survey map reference TQ3189SE
Scale 1:1250
Administrative area Haringey



443, West Green Road - Title Plan

DP2

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Leasehold

DP3

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 3 AUG 2016 AT 15:40:57. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: AGL136301

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title. Except as mentioned below, the title includes any legal easements granted by the registered lease but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

HARINGEY

- 1 (03.12.2004) The Leasehold land shown edged with red on the plan of the above Title filed at the Registry and being Shop and basement at 443 West Green Road, London (N15 3PL).

NOTE 1: As to the part tinted blue on the title plan only the basement is included in the title.

NOTE 2: As to the part tinted pink on the title plan only the Ground floor shop and basement is included in the title.

NOTE 3: As to the part tinted yellow on the title plan only the ground floor shop is included in the title.

- 2 (03.12.2004) Short particulars of the lease(s) (or under-lease(s)) under which the land is held:

Date : 23 November 2004
Term : 12 years from 23 November 2004
Parties : (1) Uniplex Ventures Limited
(2) Sevket Sevket

NOTE: The rights granted by clause 3.1(f) of the lease are included in this title only so far as the lessor has the power to grant the same

- 3 (03.12.2004) There are excepted from the effect of registration all estates, rights, interests, powers and remedies arising upon, or by reason of, any dealing made in breach of the prohibition or restriction against dealings therewith inter vivos contained in the Lease.

- 4 (03.12.2004) The landlord's title is registered.

- 5 Unless otherwise mentioned the title includes any legal easements granted by the registered lease(s) but is subject to any rights that it reserves, so far as those easements and rights exist and benefit or affect the registered land.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (26.07.2012) PROPRIETOR: OSSAMA WAGDI of 443 West Green Road, London

Title number AGL136301

B: Proprietorship Register continued

N15 3PL.

- 2 (26.07.2012) The value as at 26 July 2012 was stated to be under £100,000.
- 3 (26.07.2012) The covenant implied under section 4(1)(b) of the Law of Property (Miscellaneous Provisions) Act 1994 in the disposition to the proprietor is modified.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 (03.12.2004) A Conveyance of the freehold estate in the land in this title and other land dated 25 July 1881 made between (1) Isaac Edmonson (Vendor) (2) Edward Fulvoys and George Harris Lea (Mortgagees) and (3) Samuel Hall (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.

Schedule of restrictive covenants

- 1 The following are details of the covenants contained in the Conveyance dated 25 July 1881 referred to in the Charges Register:-

COVENANT by Purchaser for himself his heirs executors administrators and assigns (to the intent that the burden of the covenant thereafter contained might run with the premises thereinbefore expressed to be thereby granted but not so as to render himself his heirs executors administrators or assigns or any of them liable for any such breach or breaches of same covenant as should take place after he or they respectively should have ceased to be owner or owners of the same respective premises) with the Mortgagees their heirs and assigns and also by way of separate covenant with the Vendor his heirs and assigns and his and their tenants etc.

To observe and perform stipulations contained in First Schedule thereto so far as same related or premises thereinbefore expressed to be thereby granted.

THE FIRST SCHEDULE above referred to

1. Fences - Each Purchaser is forthwith to make and afterwards to maintain the boundary fence next the roads and on the sides of his lot marked "T" within the boundary.
2. Building Line - The Building line shall be that defined by the Tottenham Local Board. No fence to be more than 6 feet high.
3. Value of Buildings - No house or part of a house shall be erected on Lots 1 to 8, 14 to 18, 56 to 63, 99 to 106, 148 to 171 and 230 to 234 of less value than £400. On lots 9 to 13, 107 to 111 of less value than £350. On Lots 19 to 55 and 64 to 98, 172 to 229 and 235 to 286 than £250. On Lots 112 to 145 than £200. The value of a house is the amount of its net first cost in materials and labour of construction only estimated at the lowest current prices.
4. Trades &c. Prohibited - The trade of an innkeeper, victualler or retailer of wine spirits or beer either under grocer's licence off licence or wholesale retail or any other permission or licence whatsoever is not to be varied on upon any lot except Lot 171. No building shall be erected or used as a shop workshop warehouse or factory and no trade or manufacture shall be carried on nor any operative machinery be fixed or placed on any lot except Lots 14 o 18, 56 to 63, 163 to 171 and 230 to 234. No hut shed caravan house on wheels or other chattel adapted or intended for use as a dwelling or sleeping apartment shall be erected made placed or used or be allowed to remain upon any lot.

NOTE: The western boundary of the land in this title is affected by the

Freehold

DPK

THIS IS A PRINT OF THE VIEW OF THE REGISTER OBTAINED FROM HM LAND REGISTRY SHOWING THE ENTRIES SUBSISTING IN THE REGISTER ON 1 AUG 2016 AT 12:50:01. BUT PLEASE NOTE THAT THIS REGISTER VIEW IS NOT ADMISSIBLE IN A COURT IN THE SAME WAY AS AN OFFICIAL COPY WITHIN THE MEANING OF S.67 LAND REGISTRATION ACT 2002. UNLIKE AN OFFICIAL COPY, IT MAY NOT ENTITLE A PERSON TO BE INDEMNIFIED BY THE REGISTRAR IF HE OR SHE SUFFERS LOSS BY REASON OF A MISTAKE CONTAINED WITHIN IT. THE ENTRIES SHOWN DO NOT TAKE ACCOUNT OF ANY APPLICATIONS PENDING IN THE REGISTRY. FOR SEARCH PURPOSES THE ABOVE DATE SHOULD BE USED AS THE SEARCH FROM DATE.

THIS TITLE IS DEALT WITH BY LAND REGISTRY, WALES OFFICE.

TITLE NUMBER: EGL310955

There is no application or official search pending against this title.

A: Property Register

This register describes the land and estate comprised in the title.

HARINGEY

- 1 (01.12.1972) The Freehold land shown edged with red on the plan of the above Title filed at the Registry and being 443 West Green Road, London (N15 3PL).
- 2 The land has the benefit of a right of way over the land tinted brown on the filed plan.

B: Proprietorship Register

This register specifies the class of title and identifies the owner. It contains any entries that affect the right of disposal.

Title absolute

- 1 (06.02.2004) PROPRIETOR: UNIPLEX VENTURES LIMITED (Co. Regn. No. 04383158) of 39 Howberry Road, Canons Park, Edgware, Middx HA8 6SS.
- 2 (06.02.2004) The price stated to have been paid on 5 November 2003 was £140,000.
- 3 (06.02.2004) RESTRICTION: No disposition of the registered estate by the proprietor of the registered estate is to be registered without a written consent signed by the proprietor for the time being of the Charge dated 22 October 2003 in favour of The Royal Bank Of Scotland PLC referred to in the Charges Register.

C: Charges Register

This register contains any charges and other matters that affect the land.

- 1 A Conveyance of the land in this title and other land dated 25 July 1881 made between (1) Isaac Edmonson (Vendor) (2) Edward Fulvoys and George Harris Lea (Mortgagees) and (3) Samuel Hall (Purchaser) contains covenants details of which are set out in the schedule of restrictive covenants hereto.
- 2 (06.02.2004) REGISTERED CHARGE dated 22 October 2003.
- 3 (06.02.2004) Proprietor: THE ROYAL BANK OF SCOTLAND PLC (Scot. Co. Regn. No. 90312) of North West House, 119 Marylebone Road, London NW1 5PY.
- 4 (03.12.2004) The parts of the land affected thereby are subject to the leases set out in the schedule of leases hereto. The leases grant and reserve easements as therein mentioned.

Title number AGL136301

Schedule of restrictive covenants continued

"T" marks referred to. No lot numbers were shown on the plan supplied on first registration.

End of register

8/6/16 - 22 ISARS
letterbox

Regulatory Services Manager: Gavin Douglas

DP 59

Mr Wagdi Ossama
Tasty Hutt Shop
443 West Green Road
Tottenham
London
N15 3PL

Our Ref: ES/RS WK/000955331
Date: 8th June 2016
Contact: Enforcement Response Team

Dear Mr Wagdi

Re: Environmental Protection Act 1990 - Section 80
Noise Nuisance: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL

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

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

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

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

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

The Council have also introduced Fixed Penalty Notices as a means of discharging liability to prosecution for an offence against an abatement notice. If you do offend against this notice then you may be offered the opportunity to pay a £100 Fixed Penalty Notice (£2400 in respect of commercial premises).

The Council are unlikely to offer this option for repeat offences.

Should you wish to discuss this matter, please contact us.

Yours sincerely,
C Buckle
Enforcement Response Team

Enforcement Response Team
Level 6, Alexandra House
10 Station Road, Wood Green
London N22 7TR

F: 020 8489 5133
T: 020 8489 1985
E: enforcement.response@haringey.gov.uk

Commercial & Operations

8/6/16 - 22:15HRS
letterbox

Regulatory Services Manager: Gavin Douglas

Haringey
LONDON

Mr Wagdi Ossama
Tasty Hutt Shop
443 West Green Road
Tottenham
London
N15 3PL

DP 5g

Our Ref: ES/RS WK/000355331
Date: 8th June 2016
Contact: Enforcement Response Team

Dear Mr Wagdi

Re: Environmental Protection Act 1990 - Section 80
Noise Nuisance: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL

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

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

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

The Council are unlikely to offer this option for repeat offences.

Should you wish to discuss this matter, please contact us.

Yours sincerely,
C Buckle
Enforcement Response Team

Enforcement Response Team
Level 6, Alexandra House
10 Station Road, Wood Green
London N22 7TR

F: 020 8489 8133
T: 020 8489 1336
E: enforcement.response@haringey.gov.uk

www.haringey.gov.uk/noise

DPS₆

Haringey Council

EPA90 Sec 80 LMV rev. April 2016

Environmental Protection Act 1990 - Part III

Statutory Nuisance - Abatement Notice

To: Mr Ossama Wagdi

at: Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL, rear smoking area.

The Person Responsible for a statutory nuisance at the premises in the Borough of Haringey known as Tasty Hutt, Shop, 443 West Green Road, Tottenham, London, N15 3PL, re smoking area.

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

Noise arising from music and voices

THE COUNCIL DO HEREBY PROHIBIT FORTHWITH an occurrence 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 Council 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. Under ss2A(b) the Council shall take such other steps as it thinks appropriate to abate the nuisance or prohibit or restrict its occurrence or recurrence by seizing equipment and an application for a Warrant to enter premises may be made under Schedule 3. The maximum penalty for failure to comply with this Notice is £5,000 (unlimited in the case of industrial, trade or business premises) plus a further £500 for each day on which the offence continues after conviction.

Dated: 8th June 2018

Our Ref: C&O/RS WK/000355331

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

.....
being the Officer appointed for this purpose

Commercial & Operations - Enforcement Response
Level 6, Alexandra House, 10 Station Road, Wood Green, London N22 7TR

Telephone: 020 8489 1335

This matter is being dealt with by:
Enforcement Response Team

Appendix 1A – COPY OF CURRENT LICENCE.

PREMISES LICENCE

Receipt: FO0110019549

Premises Licence Number: LN/000003077

This Premises Licence has been issued by:

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

Signature:

Date: 9th October 2006
17th February 2014

Part 1 – PREMISES DETAILS

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

**MARHABA
443 WEST GREEN ROAD
TOTTENHAM
LONDON
N15 3PL**

Where the Licence is time limited, the dates:

Not applicable

Licensable activities authorised by the Licence:

Supply of alcohol

Provision of Late Night Refreshment

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

Supply of alcohol

Monday to Sunday 1100 to 0400

Provision of Late Night Refreshment

Monday to Sunday 2300 to 0400

The opening hours of the premises:

Monday to Sunday 1100 to 0430

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

NO SUPPLY OF ALCOHOL IS PERMITTED UNTIL A DPS IS APPOINTED

Part 2

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

Ossama Wagdi

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

Not applicable

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

Not applicable

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

Not applicable

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.

Annex 2 – Conditions consistent with the Operating Schedule

Alcohol will not be sold or supplied on the premises other than to persons taking table meals and for consumption by such a person as an ancillary to his meal.

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

THE PREVENTION OF CRIME AND DISORDER

A digital Closed Circuit Television System will be installed and maintained on the premises. The CCTV system will be recording at all times when the premises are open and the recordings shall be made available to the police and council on request.

PUBLIC SAFETY

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

THE PREVENTION OF PUBLIC NUISANCE

A litter bin will be provided for the use of take away customers.

THE PROTECTION OF CHILDREN

All staff will be trained that alcohol will only be sold to persons who can produce photographic identification where there is any doubt that they are over the age of 18.

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

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

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

Not applicable

Annex 4 – Plans

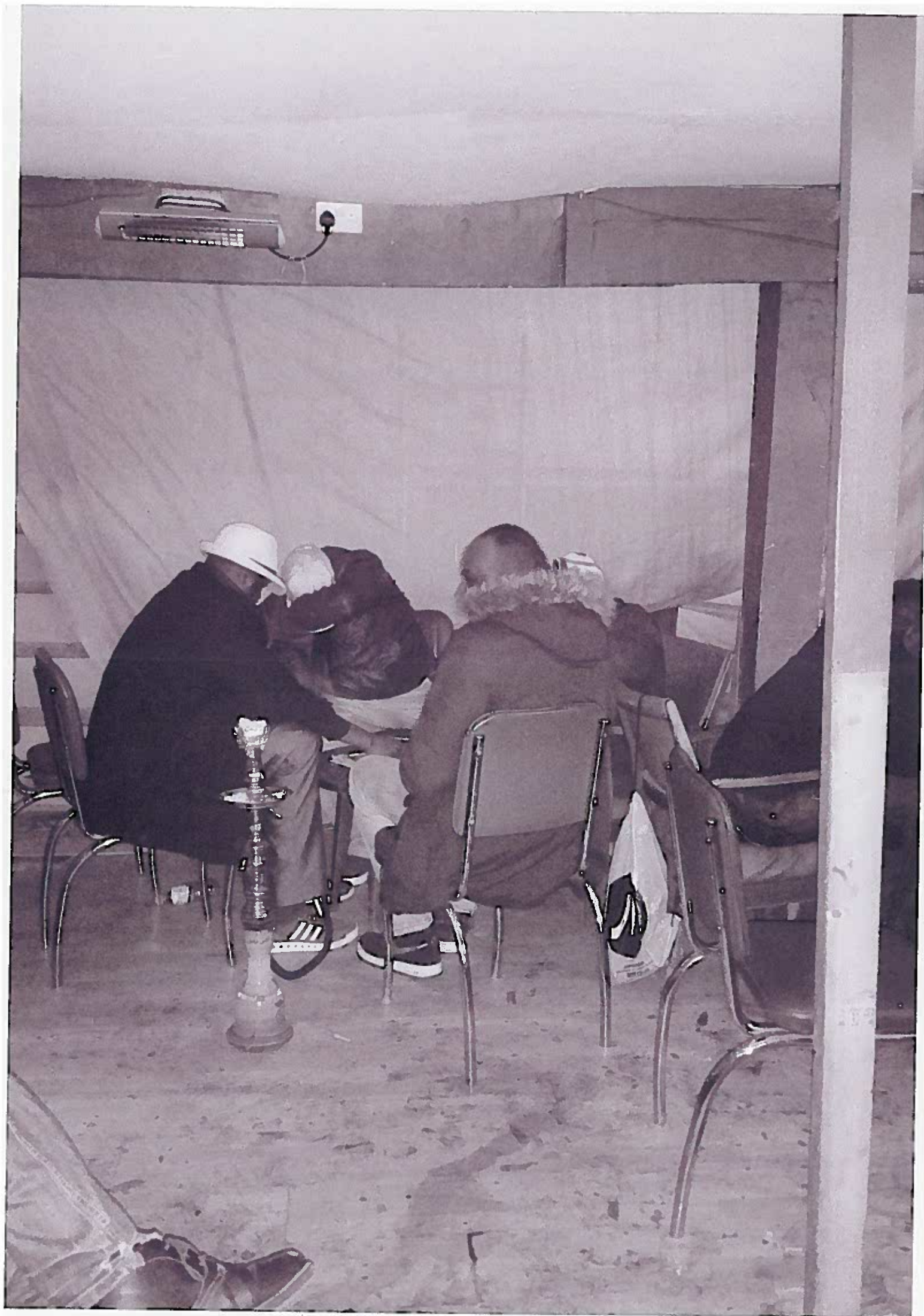
Lodged with Licensing Authority

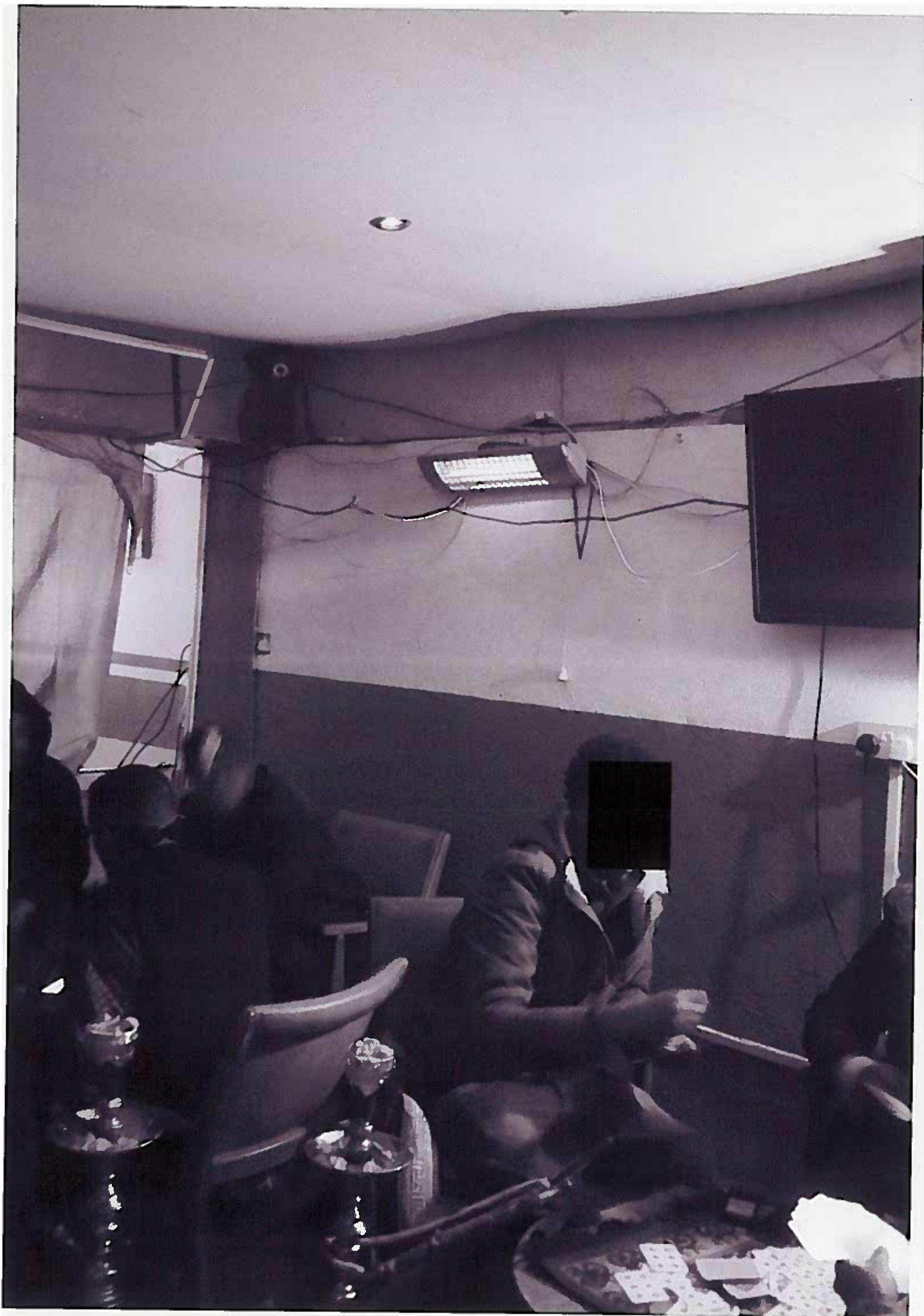
Appendix 1B – PHOTOS TAKEN OF NON COMPLIANT SHISHA HUT













Appendix 2 – RELEVANT PARTS OF SECTION 182 GUIDANCE

1. Introduction

The Licensing Act 2003

- 1.1 The Licensing Act 2003 (referred to in this Guidance as the 2003 Act), its explanatory notes and any statutory instruments made under it may be viewed online at www.legislation.gov.uk. The statutory instruments include regulations setting out the content and format of application forms and notices. The Home Office has responsibility for the 2003 Act. However, the Department for Culture, Media and Sport (DCMS) is responsible for regulated entertainment, for which there is provision in Schedule 1 to the 2003 Act (see Chapter 15).

Licensing objectives and aims

- 1.2 The legislation provides a clear focus on the promotion of four statutory objectives which must be addressed when licensing functions are undertaken.
- 1.3 The licensing objectives are:
- The prevention of crime and disorder;
 - Public safety;
 - The prevention of public nuisance; and
 - The protection of children from harm.
- 1.4 Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times.
- 1.5 However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

They include:

- protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed premises;
- giving the police and licensing authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems;
- recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business, encouraging innovation and supporting responsible premises;
- providing a regulatory framework for alcohol which reflects the needs of local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area; and
- encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them.

disproportionate and unreasonable. The issues will mainly concern noise nuisance, light pollution, noxious smells and litter.

- 2.15 Public nuisance is given a statutory meaning in many pieces of legislation. It is however not narrowly defined in the 2003 Act and retains its broad common law meaning. It may include in appropriate circumstances the reduction of the living and working amenity and environment of other persons living and working in the area of the licensed premises. Public nuisance may also arise as a result of the adverse effects of artificial light, dust, odour and insects or where its effect is prejudicial to health.
- 2.16 Conditions relating to noise nuisance will usually concern steps appropriate to control the levels of noise emanating from premises. This might be achieved by a simple measure such as ensuring that doors and windows are kept closed after a particular time, or persons are not permitted in garden areas of the premises after a certain time. More sophisticated measures like the installation of acoustic curtains or rubber speaker mounts to mitigate sound escape from the premises may be appropriate. However, conditions in relation to live or recorded music may not be enforceable in circumstances where the entertainment activity itself is not licensable (see chapter 15). Any conditions appropriate to promote the prevention of public nuisance should be tailored to the type, nature and characteristics of the specific premises and its licensable activities. Licensing authorities should avoid inappropriate or disproportionate measures that could deter events that are valuable to the community, such as live music. Noise limiters, for example, are expensive to purchase and install and are likely to be a considerable burden for smaller venues.
- 2.17 As with all conditions, those relating to noise nuisance may not be appropriate in certain circumstances where provisions in other legislation adequately protect those living in the area of the premises. But as stated earlier in this Guidance, the approach of licensing authorities and responsible authorities should be one of prevention and when their powers are engaged, licensing authorities should be aware of the fact that other legislation may not adequately cover concerns raised in relevant representations and additional conditions may be appropriate.
- 2.18 Where applications have given rise to representations, any appropriate conditions should normally focus on the most sensitive periods. For example, the most sensitive period for people being disturbed by unreasonably loud music is at night and into the early morning when residents in adjacent properties may be attempting to go to sleep or are sleeping. This is why there is still a need for a licence for performances of live music between 11 pm and 8 am. In certain circumstances, conditions relating to noise emanating from the premises may also be appropriate to address any disturbance anticipated as customers enter and leave.
- 2.19 Measures to control light pollution will also require careful thought. Bright lighting outside premises which is considered appropriate to prevent crime and disorder may itself give rise to light pollution for some neighbours. Applicants, licensing authorities and responsible authorities will need to balance these issues.
- 2.20 Beyond the immediate area surrounding the premises, these are matters for the personal responsibility of individuals under the law. An individual who engages in anti-social behaviour is accountable in their own right. However, it would be perfectly reasonable for a licensing authority to impose a condition, following relevant representations, that requires the licence holder or club to place signs at the exits from the building encouraging patrons to be quiet until they leave the area, or that, if they wish to smoke, to do so at designated places on the premises instead of outside, and to respect the rights of people living nearby to a peaceful night.

- any local initiatives (for example, local crime reduction initiatives or voluntary schemes including local taxi-marshalling schemes, street pastors and other schemes) which may help to mitigate potential risks.
- 8.35 Applicants are expected to include positive proposals in their application on how they will manage any potential risks. Where specific policies apply in the area (for example, a cumulative impact policy), applicants are also expected to demonstrate an understanding of how the policy impacts on their application; any measures they will take to mitigate the impact; and why they consider the application should be an exception to the policy.
- 8.36 It is expected that enquiries about the locality will assist applicants when determining the steps that are appropriate for the promotion of the licensing objectives. For example, premises with close proximity to residential premises should consider what effect this will have on their smoking, noise management and dispersal policies to ensure the promotion of the public nuisance objective. Applicants must consider all factors which may be relevant to the promotion of the licensing objectives, and where there are no known concerns, acknowledge this in their application.
- 8.37 The majority of information which applicants will require should be available in the licensing policy statement in the area. Other publicly available sources which may be of use to applicants include:
- the Crime Mapping website;
 - Neighbourhood Statistics websites;
 - websites or publications by local responsible authorities;
 - websites or publications by local voluntary schemes and initiatives; and
 - on-line mapping tools.
- 8.38 While applicants are not required to seek the views of responsible authorities before formally submitting their application, they may find them to be a useful source of expert advice on local issues that should be taken into consideration when making an application. Licensing authorities may wish to encourage co-operation between applicants, responsible authorities and, where relevant, local residents and businesses before applications are submitted in order to minimise the scope for disputes to arise.
- 8.39 Applicants are expected to provide licensing authorities with sufficient information in this section to determine the extent to which their proposed steps are appropriate to promote the licensing objectives in the local area. Applications must not be based on providing a set of standard conditions to promote the licensing objectives and applicants are expected to make it clear why the steps they are proposing are appropriate for the premises.
- 8.40 All parties are expected to work together in partnership to ensure that the licensing objectives are promoted collectively. Where there are no disputes, the steps that applicants propose to take to promote the licensing objectives, as set out in the operating schedule, will very often translate directly into conditions that will be attached to premises licences with the minimum of fuss.
- 8.41 For some premises, it is possible that no measures will be appropriate to promote one or more of the licensing objectives, for example, because they are adequately covered by other existing legislation. It is however important that all operating schedules should be precise and clear about the measures that are proposed to promote each of the licensing objectives.

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 that the licensing authority agrees and the applicant submits a subsequent hard copy of the application, if the licensing authority requires one. The licensing authority may also agree in advance that the application need not be given in hard copy. 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 or the sexual exploitation of children. 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 hard copy, unless the licensing authority waives this requirement.
- 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)¹⁰;
- 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 to address the causes of concern that instigated the review.
- 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, the sale of firearms, or the sexual exploitation of children. 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.

¹⁰ See chapter 15 in relation to the licensing of live and recorded music.

- 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 drugs controlled under the Misuse of Drugs Act 1971 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 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 or storage 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.

**Appendix 3— RELEVANT PARTS OF STATEMENT OF LICENSING
POLICY**

Objective 5 – To work with partners to prevent and reduce more serious crime, in particular youth crime and gang activity. This will be delivered by working in partnership with police colleagues, schools and residents and businesses.

19 The above Priorities and objectives are underpinned by a number of cross – cutting principles, namely;

- Prevention and early intervention – preventing poor outcomes for young people and intervening early when help and support is needed.
- A fair and equal borough – tackling the barriers facing the most disadvantaged and enabling them to reach their potential;
- Working together with our communities – building resilient communities where people are able to help themselves and support each other.
- Value for Money – achieving the best outcome from the investment made;
- Customer focus – placing our customers needs at the centre of what we do;
- Working in partnership – delivering with and through others.

20 How the Policy works

This Licensing Policy sets out the relevant information on how licence Applications will be determined and how licensed premises are expected to operate in Haringey, as well as explaining how licensing integrates with other related strategies for the borough. The aims of this Licensing Policy are to pursue and promote the Licensing Objectives

Written and Spoken English

The Licensing Authority considers it reasonable that those who hold licences and persons involved in the sale of alcohol are able to understand the terms of the licence and their legal obligations. It is also expected that those making sales of alcohol can understand and converse in the English language and be able to read and write in English so as to be able to complete documents such as refusals books and read training guides.

Where relevant representations are made, and a lack of understanding of basic written and / or spoken English is a factor in those representations, consideration may, if appropriate, be given to attaching conditions to premises licences and club premises certificates that require the licence holder and staff connected with the business, attend a 'Basic Skills' course. This would be at cost to the applicant.

21 This policy has five main aims:

- To help inform elected members on the licensing committee to make decisions on licensing matters.
- To set out, for the benefit of prospective applicants, responsible authorities; local residents; and licensed operators, the parameters under which this authority will make its licensing decisions.
- To inform prospective licensees how a licensed premises is likely to be able to operate within an area. Licensed premises suitable for the neighbourhood within which they are located and that support the neighbourhood.
- To inform local residents and licensed operators how their needs will be addressed.
- To minimise the number of licensing decisions that may be challenged in a court of law.

22 The policy supports a number of other key aims and these include:

- Protecting the public and local residents from crime, anti-social behaviour and noise nuisance caused by irresponsible licensed operators.
- Giving the police and local authorities the powers they need to effectively manage and police the night-time economy and take action against those premises that are causing problems.
- Recognising the important role which pubs and other licensed premises play in our local communities by minimising the regulatory burden on business encouraging innovation and supporting responsible premises.
- Providing a regulatory framework for alcohol which reflects the needs of our local communities and empowers local authorities to make and enforce decisions about the most appropriate licensing strategies for their local area.
- Encouraging greater community involvement in licensing decisions and giving local residents the opportunity to have their say regarding licensing decisions that may affect them. Section 3, Para 125 and following, will be particularly helpful for residents in this context.

23 Consultation for the Licensing Policy

In accordance with Section 5(3) of the Licensing Act 2003, the following were consulted in respect of the formulation of this Licensing Policy:

- a) the chief officer of police for the licensing authority's area
- b) the fire authority for that area
- c) such persons as the licensing authority considers to be representative of holders of Premises Licences issued by that authority
- d) such persons as the licensing authority considers to be representative of
- e) Such persons as the licensing authority considers to be representative of holders of Licences issued by that authority
- f) Such other persons as the licensing authority considers to be representative of businesses and residents in its area

24 What is covered by the policy:

The Licensing Act 2003 regulates the following activities

- The retail sale of alcohol
- The supply of alcohol by or on behalf of a club to, or to the order of, a member of the club
- The provision of "regulated entertainment"
- The provision of "late night refreshment"

25 Definitions:

'Regulated entertainment'

Subject to the conditions, definitions and exemptions set out in the Act, "regulated entertainments" includes:

- A performance of a play.
- An exhibition of a film.
- An indoor sporting event.
- Boxing or wrestling entertainment.
- A contest, exhibition or display which combines boxing or wrestling with one or more martial arts ("combined fighting sports").
- A performance of live music.

Where payment has not been made by the due date as a result of a genuine administrative error, or because the licence holder disputed liability for the fee before or at the time of the due date, there shall be a grace period of 21 days to resolve the matter before the licence is suspended.

51 Duplication with other regulatory regimes

In exercising its licensing functions, the licensing authority shall seek to avoid duplication with any other existing legislation and regulatory regimes that already place obligations on employers and operators e.g. the Management of Health and Safety at Work Regulations 1999, the Regulatory Reform (Fire Safety) Order 2005, or the Environmental Protection Act 1990.

52 Section 2 Licensing Objectives

Promoting the Licensing Objectives in Haringey

The licensing authority works in conjunction with partners (Responsible Authorities) such as Environmental Health, Trading Standards, Police, Planning Department, Anti Social Behaviour Team, Enforcement Response Team, National Health Service (NHS), Local Safeguarding Children Board (LSCB), Public Health Team and Fire Authority, in delivering a range of initiatives aimed at ensuring the promotion of the Licensing Objectives throughout Haringey such as:

- Joint-agency enforcement exercises
- Proactive monitoring of licensed premises
- Test purchase operations
- multi-agency meetings
- The establishment of Public Spaces Protection Orders where, following a direction from a police officer or authorised officer, alcohol may not be consumed publicly.
- Pub watch schemes/ Best Bar None Schemes.
- Responsible Retailer Scheme
- Conducting training in responsible alcohol service and conflict management
- Alcohol Diversion Schemes.
- Attendance and participation in local and community meetings and workshops

53 LICENSING HOURS

The Council will generally deal with the issue of licensing hours having due regard to the individual merits of each application, considering the potential for nuisance associated with the style, characteristics and activities of the business and type of premises, examining any steps that might reduce the risk of nuisance.

However, although the Council will treat each case on its individual merits, generally it will not grant permission for licensable activities beyond 2330 hours on Sundays to Thursdays and Midnight on Fridays and Saturdays in respect of public houses situated in areas having denser residential accommodation. The Council would expect good reasons to be given to support any application for extensions beyond these hours, including addressing possible disturbance to residents and local parking. Additionally, in these areas, consideration will be given to imposing stricter conditions in respect of noise control.

54 THE FIRST LICENSING OBJECTIVE THE PREVENTION OF CRIME AND DISORDER

- between 0800 and 2000 hours.
- Limiting any nuisance or glare caused by the positioning of external lighting, including security lighting
- Preventing odour or pests from refuse storage and waste disposal and the accumulation of litter and smokers waste in the vicinity of the premises.
- The need for regular patrols of the boundary of the premises and / or at the nearest residential to ensure nuisance impacts are not being experienced by neighbours.

82 Applicants are recommended to seek advice from the council's environmental protection team when preparing their operating plans and schedules. Where relevant, applicants are also advised to refer to:

- The Institute of Acoustics "Good Practice Guide on the Control of Noise from Pubs and Clubs"
- Noise at Work Guidance for employers on the Control of Noise at Work Regulations 2005 issued by the Health and Safety Executive and obtainable from <http://www.hse.gov.uk/pubns/indg362.pdf>
- In the case of large music events, the Code of Practice on Environmental Noise Control at Concerts produced by the Noise Council together with Haringey Noise Team policies
- Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems produced by DEFRA
- Guidance Notes for the Reduction of Obtrusive Light – Institute of Lighting Engineers (2005)

83 This section of the policy is intended to provide a guide to prospective licence applicants as to the types of controls that may be appropriate for the promotion of the prevention of public nuisance licensing objective. It is neither intended to provide a definitive list of preventative measures nor will the controls listed be appropriate in every circumstance. They are provided to be considered and modified to fit the proposed business operation.

Applicants should note that where its discretion is engaged following consideration of relevant representations, the licensing authority will consider attaching appropriate conditions to licences to prevent nuisance. This may include additional site specific controls relevant to the planned activities and their timing.

84 Preventing nuisance outside of premises

Nuisance caused by patrons outside of premises, whether by patrons queuing for entry; enjoying the facility of a beer garden or terrace; or by smokers congregated on the pavement, is of considerable concern to local residents. While noise is often the main concern, obstruction of the highway preventing people passing by on the pavement and forcing them into the road, can also be both intimidating and dangerous and hamper access by emergency services, or street cleansing. Local residents may be further affected by smoke from barbeques and other cooking equipment used in the open air.

Licensees have a responsibility for the conduct of their customers while they are in and around their premises. If provision is made for customers to congregate or smoke outside of premises, then sufficient management controls must be put into place to ensure that no nuisance or disturbance is caused to local residents. Failure to control customers outside of premises can result in licence reviews being submitted and impact upon the premises licence.