

modify the conditions or reject the whole or part of the application merely because it considers it desirable to do so. It must be appropriate in order to promote the licensing objectives.

3. Background

- 3.1 The premises has operated under a premise licence that permits the sale of alcohol, regulated entertainment and late night refreshment. The premises is situated in an area close to Ducketts Common which is currently the focal point of operations dealing with anti social behaviour and drug dealing. A copy of the current licence is attached at Appendix 3.
- 3.2 During the consultation period representation were received from Enforcement Response RA.
- 3.3 Under the Act representations can be received from responsible authorities or other persons. Representations must be relevant and, in the case of another person, must not be frivolous or vexatious.

4. Policy Implications

- 4.1 The decision should be made with regard to the Secretary of the State's guidance and the Council's Statement of Licensing Policy under the Licensing Act 2003. Where the decision departs from either the Guidance or the Policy clear and cogent reasons must be given. Members should be aware that if such a departure is made the risk of appeal / challenge is increased.

4.2 Equalities impact

At the time of writing this report there were no implications for equality and diversity. Any decision taken by the Licensing Sub-Committee will be in accordance with the four licensing objectives as prescribed by the Licensing Act 2003.

5. Other considerations

5.1 Human Rights

While all Convention Rights must be considered, those which are of particular relevance to the application are:

- o Article 8 – Right to respect for private and family life.
- o Article 1 of the First Protocol – Protection of Property
- o Article 6(1) – Right to a fair hearing.
- o Article 10 – Freedom of Expression

6 Use of Appendices

Appendix 1- Application form

Appendix 2 – Copy of Representation

Appendix 3 – Copy of current licence

Background papers: Section 182 Guidance
Haringey Statement of Licensing policy

Appendix 1- Application form



Haringey
Application for a premises licence
Licensing Act 2003

HARINGEY COUNCIL
LICENSING
RECEIVED

- 1 MAR 2017

HK/3772²²~~18~~

For help contact
licensing@haringey.gov.uk
Telephone: 020 8489 8232

* required information

Section 1 of 19

You can save the form at any time and resume it later. You do not need to be logged in when you resume.

System reference

Not Currently In Use

This is the unique reference for this application generated by the system.

Your reference

NPL-N22 6BS

You can put what you want here to help you track applications if you make lots of them. It is passed to the authority.

Are you an agent acting on behalf of the applicant?

☒ Yes

☐ No

Put "no" if you are applying on your own behalf or on behalf of a business you own or work for.

Applicant Details

* First name

RIZA

* Family name

CORTEN

* E-mail

RIZA_CORTEN@HOTMAIL.CO.UK

Main telephone number

Include country code.

Other telephone number

☐ indicate here if the applicant would prefer not to be contacted by telephone

is the applicant:

☐ Applying as a business or organisation, including as a sole trader

☒ Applying as an individual

A sole trader is a business owned by one person without any special legal structure. Applying as an individual means the applicant is applying so the applicant can be employed, or for some other personal reason, such as following a hobby.

Continued from previous page...

Address

* Building number or name 189A
* Street BRAMLEY ROAD
District SOUTHGATE
* City or town LONDON
County or administrative area
* Postcode N14 4XB
* Country United Kingdom

Agent Details

* First name ADA
* Family name GROUP
* E-mail INFO@ADAGROUP.ORG.UK
Main telephone number 02071938393
Other telephone number

Include country code.

☐ Indicate here if you would prefer not to be contacted by telephone

Are you:

- ☒ An agent that is a business or organisation, including a sole trader
☐ A private individual acting as an agent

A sole trader is a business owned by one person without any special legal structure.

Agent Business

Is your business registered in the UK with Companies House? ☒ Yes ☐ No

Note: completing the Applicant Business section is optional in this form.

Registration number 06507540
Business name ADA BUSINESS SERVICES LIMITED
VAT number - NONE
Legal status Private Limited Company
Your position in the business DIRECTOR
Home country United Kingdom

If your business is registered, use its registered name.

Put "none" if you are not registered for VAT.

The country where the headquarters of your business is located.

Continued from previous page...

Agent Registered Address

Address registered with Companies House.

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Section 2 of 19

PREMISES DETAILS

I/we, as named in section 1, apply for a premises licence under section 17 of the Licensing Act 2003 for the premises described in section 2 below (the premises) and I/we are making this application to you as the relevant licensing authority in accordance with section 12 of the Licensing Act 2003.

Premises Address

Are you able to provide a postal address, OS map reference or description of the premises?

☒ Address ☐ OS map reference ☐ Description

Postal Address Of Premises

Building number or name

Street

District

City or town

County or administrative area

Postcode

Country

Further Details

Telephone number

Non-domestic rateable value of premises (£)

Section 3 of 19

APPLICATION DETAILS

in what capacity are you applying for the premises licence?

- ☒ An individual or individuals
- ☐ A limited company
- ☐ A partnership
- ☐ An unincorporated association
- ☐ A recognised club
- ☐ A charity
- ☐ The proprietor of an educational establishment
- ☐ A health service body
- ☐ A person who is registered under part 2 of the Care Standards Act 2000 (c14) in respect of an independent hospital in Wales
- ☐ A person who is registered under Chapter 2 of Part 1 of the Health and Social Care Act 2008 in respect of the carrying on of a regulated activity (within the meaning of that Part) in an independent hospital in England
- ☐ The chief officer of police of a police force in England and Wales
- ☐ Other (for example a statutory corporation)

Confirm The Following

- ☒ I am carrying on or proposing to carry on a business which involves the use of the premises for licensable activities
- ☐ I am making the application pursuant to a statutory function
- ☐ I am making the application pursuant to a function discharged by virtue of Her Majesty's prerogative

Section 4 of 19

INDIVIDUAL APPLICANT DETAILS

Applicant Name

Is the name the same as (or similar to) the details given in section one?

☒ Yes ☐ No

First name

RIZA

Family name

CORTEN

Is the applicant 18 years of age or older?

☒ Yes ☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Continued from previous page...

Applicant Postal Address

Is the address the same as (or similar to) the address given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

Building number or name	189A
Street	BRAMLEY ROAD
District	SOUTHGATE
City or town	LONDON
County or administrative area	
Postcode	N14 4XB
Country	United Kingdom

Applicant Contact Details

Are the contact details the same as (or similar to) those given in section one?

☒ Yes

☐ No

If "Yes" is selected you can re-use the details from section one, or amend them as required. Select "No" to enter a completely new set of details.

E-mail	RIZA_CORTEN@HOTMAIL.CO.UK
Telephone number	
Other telephone number	

Add another applicant

Section 5 of 19

OPERATING SCHEDULE

When do you want the premises licence to start?

27	/	03	/	2017
dd		mm		yyyy

If you wish the licence to be valid only for a limited period, when do you want it to end

	/		/	
dd		mm		yyyy

Provide a general description of the premises

For example the type of premises, its general situation and layout and any other information which could be relevant to the licensing objectives. Where your application includes off-supplies of alcohol and you intend to provide a place for consumption of these off-supplies you must include a description of where the place will be and its proximity to the premises.

THE PREMISES IS A CAFE/RESTAURANT LOCATED ON A MAJOR ROAD.

Continued from previous page...

If 5,000 or more people are expected to attend the premises at any one time, state the number expected to attend

Section 6 of 19

PROVISION OF PLAYS

Will you be providing plays?

☐ Yes

☒ No

Section 7 of 19

PROVISION OF FILMS

Will you be providing films?

☐ Yes

☒ No

Section 8 of 19

PROVISION OF INDOOR SPORTING EVENTS

Will you be providing indoor sporting events?

☐ Yes

☒ No

Section 9 of 19

PROVISION OF BOXING OR WRESTLING ENTERTAINMENTS

Will you be providing boxing or wrestling entertainments?

☐ Yes

☒ No

Section 10 of 19

PROVISION OF LIVE MUSIC

Will you be providing live music?

☐ Yes

☒ No

Section 11 of 19

PROVISION OF RECORDED MUSIC

Will you be providing recorded music?

☐ Yes

☒ No

Section 12 of 19

PROVISION OF PERFORMANCES OF DANCE

Will you be providing performances of dance?

☐ Yes

☒ No

Section 13 of 19

PROVISION OF ANYTHING OF A SIMILAR DESCRIPTION TO LIVE MUSIC, RECORDED MUSIC OR PERFORMANCES OF DANCE

Will you be providing anything similar to live music, recorded music or performances of dance?

☐ Yes

☒ No

Continued from previous page...

Section 14 of 19

LATE NIGHT REFRESHMENT

Will you be providing late night refreshment?

☒ Yes

☐ No

Standard Days And Timings

MONDAY

Start 23:00

End 23:30

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 23:00

End 23:30

Start

End

WEDNESDAY

Start 23:00

End 23:30

Start

End

THURSDAY

Start 23:00

End 23:30

Start

End

FRIDAY

Start 23:00

End 23:30

Start

End

SATURDAY

Start 23:00

End 23:30

Start

End

SUNDAY

Start

End

Start

End

Will the provision of late night refreshment take place indoors or outdoors or both?

☐ Indoors

☐ Outdoors

☒ Both

Where taking place in a building or other
structure tick as appropriate. Indoors may
include a tent.

State type of activity to be authorised, if not already stated, and give relevant further details, for example (but not exclusively) whether or not music will be amplified or unamplified.

Continued from previous page...

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of late night refreshments at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 15 of 19

SUPPLY OF ALCOHOL

Will you be selling or supplying alcohol?

☒ Yes ☐ No

Standard Days And Timings

MONDAY

Start 11:00

End 23:30

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

TUESDAY

Start 11:00

End 23:30

Start

End

WEDNESDAY

Start 11:00

End 23:30

Start

End

THURSDAY

Start 11:00

End 23:30

Start

End

FRIDAY

Start 11:00

End 23:30

Start

End

Continued from previous page...

SATURDAY

Start 11:00

End 23:30

Start

End

SUNDAY

Start 11:00

End 21:30

Start

End

Will the sale of alcohol be for consumption:

- ☒ On the premises ☐ Off the premises ☐ Both

If the sale of alcohol is for consumption on the premises select on, if the sale of alcohol is for consumption away from the premises select off. If the sale of alcohol is for consumption on the premises and away from the premises select both.

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non-standard timings. Where the premises will be used for the supply of alcohol at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

State the name and details of the individual whom you wish to specify on the licence as premises supervisor

Name

First name

RIZA

Family name

CORTEN

Continued from previous page...

Enter the contact's address

Building number or name	189A
Street	BRAMLEY ROAD
District	SOUTHGATE
City or town	LONDON
County or administrative area	
Postcode	N14 4XB
Country	United Kingdom
Personal Licence number (if known)	LN/201600030
Issuing licensing authority (if known)	ENFIELD COUNCIL

PROPOSED DESIGNATED PREMISES SUPERVISOR CONSENT

How will the consent form of the proposed designated premises supervisor be supplied to the authority?

- ☐ Electronically, by the proposed designated premises supervisor
- ☒ As an attachment to this application

Reference number for consent form (if known)

If the consent form is already submitted, ask the proposed designated premises supervisor for its 'system reference' or 'your reference'.

Section 16 of 19

ADULT ENTERTAINMENT

Highlight any adult entertainment or services, activities, or other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children

Give information about anything intended to occur at the premises or ancillary to the use of the premises which may give rise to concern in respect of children, regardless of whether you intend children to have access to the premises, for example (but not exclusively) nudity or semi-nudity, films for restricted age groups etc gambling machines etc.

Section 17 of 19

HOURS PREMISES ARE OPEN TO THE PUBLIC

Standard Days And Timings

MONDAY

Start 08:00

End 00:00

Start

End

Give timings in 24 hour clock.
(e.g., 16:00) and only give details for the days
of the week when you intend the premises
to be used for the activity.

Continued from previous page...

TUESDAY

Start

End

Start

End

WEDNESDAY

Start

End

Start

End

THURSDAY

Start

End

Start

End

FRIDAY

Start

End

Start

End

SATURDAY

Start

End

Start

End

SUNDAY

Start

End

Start

End

State any seasonal variations

For example (but not exclusively) where the activity will occur on additional days during the summer months.

Non standard timings. Where you intend to use the premises to be open to the members and guests at different times from those listed in the column on the left, list below

For example (but not exclusively), where you wish the activity to go on longer on a particular day e.g. Christmas Eve.

Section 18 of 19

LICENSING OBJECTIVES

Describe the steps you intend to take to promote the four licensing objectives:

a) General – all four licensing objectives (b,c,d,e)

Continued from previous page...

List here steps you will take to promote all four licensing objectives together.

The Licensee, that is the person in whose name the premises licence is issued, shall ensure that all times when the premises are for any licensable activity, there are sufficient competent staff on duty at the premises for the purpose of fulfilling the terms and conditions of the licence and for preventing crime and disorder. The Licensee shall ensure that all staff will undertake training in their responsibilities in relation to the sale of alcohol, particularly with regard to drunkenness and underage persons. Records will be kept of training and refresher training.

b) The prevention of crime and disorder

Any incidents of a criminal nature that may occur on the premises will be reported to the Police. The Licensee will install comprehensive CCTV coverage at the premises and it is operated and maintained at the premises. The CCTV system shall conform to the following points:

1. Cameras must be sited to observe the entrance and exit doors both inside and outside.
2. Cameras on the entrances must capture full frame shots of the heads and shoulders of all people entering the premises i.e. capable of identification.
3. Cameras viewing till areas must capture frames not less than 50% of screen.
4. Cameras overlooking floor areas should be wide angled to give an overview of the premises.
5. Be capable of visually confirming the nature of the crime committed.
6. Provide a linked record of the date, time and place of any image.
7. Provide good quality images –colour during opening times.
8. Operate under existing light levels within and outside the premises.
9. Have the recording device located in a secure area or locked cabinet.
10. Have a monitor to review images and recorded picture quality.
11. Be regularly maintained to ensure continuous quality of image capture retention.
12. Have signage displayed in the customer area to advise that CCTV is in operation.
13. Digital images must be kept for 31 days.
14. Police will have access to images at any reasonable time.
15. The equipment must have a suitable export method, e.g. CD/DVD writer so that the police can make an evidential copy of the data they require. This data should be in the native file format, to ensure that no image quality is lost when making the copy, if this format is non-standard (i.e. manufacturer proprietary) then the manufacturer should supply the replay software to ensure that the video on the CD can be replayed by the police on a standard computer. Copies must be made available to Police on request.

c) Public safety

Appropriate fire safety procedures are in place including fire extinguishers, internally illuminated fire exit signs, numerous smoke detectors and emergency lighting (see enclosed plan for details of locations). All appliances are inspected annually. All emergency exits shall be kept free from obstruction at all times.

d) The prevention of public nuisance

All customers will be asked to leave quietly.
Clear and legible notices will be prominently displayed to remind customers to leave quietly and have regard to our neighbours.

e) The protection of children from harm

The licensee and staff will ask persons who appear to be under the age of 25 for photographic ID such as proof of age cards, the Connexions Card and Citizen Card, photographic driving licence or passport, an official identity card issued by HM Forces or by an EU country, bearing the photograph and date of birth of bearer.
All staff will be trained for UNDERAGE SALES PREVENTION regularly.
A register of refused sales shall be kept and maintained on the premises.

Continued from previous page...

Section 19 of 19

PAYMENT DETAILS

This fee must be paid to the authority. If you complete the application online, you must pay it by debit or credit card.

Premises Licence Fees are determined by the non domestic rateable value of the premises.

To find out a premises non domestic rateable value go to the Valuation Office Agency site at http://www.voa.gov.uk/business_rates/index.htm

Band A - No RV to £4300	£100.00
Band B - £4301 to £33000	£190.00
Band C - £33001 to £8700	£315.00
Band D - £87001 to £12500	£450.00*
Band E - £125001 and over	£635.00*

*If the premises rateable value is in Bands D or E and the premises is primarily used for the consumption of alcohol on the premises then you are required to pay a higher fee

Band D - £87001 to £12500	£900.00
Band E - £125001 and over	£1,905.00

There is an exemption from the payment of fees in relation to the provision of regulated entertainment at church halls, chapel halls or premises of a similar nature, village halls, parish or community halls, or other premises of a similar nature. The costs associated with these licences will be met by central Government. If, however, the licence also authorises the use of the premises for the supply of alcohol or the provision of late night refreshment, a fee will be required.

Schools and sixth form colleges are exempt from the fees associated with the authorisation of regulated entertainment where the entertainment is provided by and at the school or college and for the purposes of the school or college.

If you operate a large event you are subject to ADDITIONAL fees based upon the number in attendance at any one time

Capacity 5000-9999	£1,000.00
Capacity 10000 -14999	£2,000.00
Capacity 15000-19999	£4,000.00
Capacity 20000-29999	£8,000.00
Capacity 30000-39000	£16,000.00
Capacity 40000-49999	£24,000.00
Capacity 50000-59999	£32,000.00
Capacity 60000-69999	£40,000.00
Capacity 70000-79999	£48,000.00
Capacity 80000-89999	£56,000.00
Capacity 90000 and over	£64,000.00

The following credit or debit cards are accepted in Haringey:

Maestro - Mastercard Debit - Mastercard Credit - Solo - Visa Credit - Visa Debit (formerly Delta) and Visa Electron

We cannot accept liability if payment is refused or declined by the card supplier.

Due to end of day processing, this service will not be available between 10pm and 11 pm every weekday evening (Mon- Fri).

Users should note that any payments in process after the 10pm deadline need to be completed by 10.05pm

* Fee amount (£)

190.00

DECLARATION

Continued from previous page...

* I/we understand 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.

☒ Ticking this box indicates you have read and understood the above declaration

This section should be completed by the applicant, unless you answered "Yes" to the question "Are you an agent acting on behalf of the applicant?"

* Full name

BEKTAS UZUN

* Capacity

AGENT FOR THE APPLICANT

* Date

28 / 02 / 2017
dd mm yyyy

Add another signatory

Once you're finished you need to do the following:

1. Save this form to your computer by clicking file/save as...

2. Go back to <https://www.gov.uk/apply-for-a-licence/premises-licence/haringey/apply-1> to upload this file and continue with your application.

Don't forget to make sure you have all your supporting documentation to hand.

IT IS AN OFFENCE, LIABLE ON SUMMARY CONVICTION TO A FINE NOT EXCEEDING 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

OFFICE USE ONLY

Applicant reference number

NPL-N22 6BS

Fee paid

Payment provider reference

ELMS Payment Reference

Payment status

Payment authorisation code

Payment authorisation date

Date and time submitted

Approval deadline

Error message

Is Digitally signed

☐

< Previous 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 Next >

Appendix 2 – Copy of Representation

Licensing Consultation**To: Licensing Officer****From: Enforcement Response Officer (Noise)****Name of Officer preparing representation: George Roberts****Our Reference: WK/000377222****Date: 23rd March 2017****Premises: Sark Kosesi, 31 Westbury Avenue, Wood Green, London, N22 6BS****Type of application: New**

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

I am making an outright objection to the proposed new license application. The present license holder Mr Sifa Orundas is being prosecuted for breaches on the current premises license as there is a refusal to adhere to the license conditions in full, and we are also in the process of reviewing the premises license.

I have noted that although there is no application for regulated entertainment in the new application, if the premises were to be allowed to sell alcohol then they would automatically be allowed a right to regulated entertainment under the relaxed licensing regulation

The timeline of our investigation is as follows:

On 9th October 2016 at 01:25 hrs, multiple breaches of license conditions were identified during an inspection, and a licensing warning letter was issued regarding the breaches of the license conditions – See attached letter sent to Mr Sifa Orundas referenced as GYR1.

I revisited on 2nd November 2016 and Mr Sifa Orundas said he had no knowledge of the letters I had sent to him at the address shown on the premises license – This was despite the fact that he took notes at the time of my visit on 9th October 2016 - I gave him a further 2 weeks to be compliant with the conditions on the premises license except for the condition regarding the lobby door which I allowed 3 weeks to be compliant and handed him copies of the letters I had sent.

I revisited on 23rd November 2016 at 21:29 hrs and Spoke to Mr Sifa Orundas who confirmed that he was still not complaint with the following conditions:

- 1) All visible alcohol bottles will be hidden from customers reach or public view
(Alcohol bottles were visible and within reach)**
- 2) Only plastic cups and plastic bottles will be used in the premise
(Glass containers were being used at the time of my visit)**

- 3) Door supervisors will be required at the premises from 21:00 till close. This is to prevent any public nuisance to nearby residence
(No door supervisor on duty)
- 4) Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout
(no lobby door was present)

On the 8th January 2017 at 00:25 hrs following a noise complaint, my colleague Mr Charles Buckle visited and found that the premises was not compliant with the following conditions:

- 1) The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
- 2) No music will be played in, or for the benefit of patrons in external areas of the premises
- 3) 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.

On the 11th January 2107 at 21:50 hrs I revisited and found that Mr Sifa Orundas was still not complaint with the following conditions:

- 1) All visible alcohol bottles will be hidden from customers reach or public view
(Alcohol bottles were visible and within reach)
- 2) Only plastic cups and plastic bottles will be used in the premise
(Glass containers were being used at the time of my visit)
- 3) Door supervisors will be required at the premises from 21:00 till close. This is to prevent any public nuisance to nearby residence
(No door supervisor on duty)
- 4) Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout
(no lobby door was present)

My colleague Mr Charles Buckle visited on 20th January 2017 at 22:10 hrs following a complaint and found that the premises was not compliant with the following conditions:

- 1) No music will be played in, or for the benefit of patrons in external areas of the premises
- 2) 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.

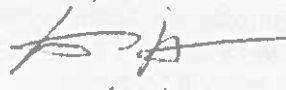
Even though this occurred during the exempted period for regulated entertainment it is a continuation of the problem where the premises, in moving the entertainment outside, in order to avoid noise complaints from their direct neighbours due in my opinion to poor sound insulation, has led to complaints from other neighbours affected by the music when it was moved outside which created the kinds of noise problems the conditions were worded to avoid.

The following conditions continue to be breached:

- 1) All visible alcohol bottles will be hidden from customers reach or public view
(Alcohol bottles were visible and within reach)**
- 2) Only plastic cups and plastic bottles will be used in the premise
(Glass containers were being used at the time of my visit)**
- 3) Door supervisors will be required at the premises from 21:00 till close. This
is to prevent any public nuisance to nearby residence
(No door supervisor on duty)**
- 4) Entrance/exit from the premises whilst licensable activities are ongoing shall
be via a lobbied door to minimise noise breakout
(no lobby door was present)**

Commercial & Operations

Regulatory Services Manager: Gavin Douglas

GYR 1

23/3/17

Haringey
LONDON

Mr Sifa Orundas
14 Ivy House
Harrington Hill
London
E5 9ES

Our ref: ES/RS WK/000366498

Date: 9th October 2016

Contact: Enforcement Response
Team

Warning Letter: Licensing Act 2003

Address: Sark Kosesl, 31 Westbury Avenue, Wood Green, London, N22 6BS

Following on from the visit I made on 9th October 2016 the following was noted which is required under the conditions of the licence:

- 1) The licence Summary will be displayed on the premise.
 - No summary was available to view
- 2) Alcohol age restriction signs will be displayed in the premise.
 - No signs visible
- 3) All visible alcohol bottles will be hidden from customers reach or public view
 - Alcohol bottles were visible and within reach
- 4) Only plastic cups and plastic bottles will be used in the premise.
 - Glass containers were being used at the time of my visit
- 5) Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.
 - No lobby door system in place
- 6) All speakers are mounted on anti-vibration mountings to prevent vibration transmission of sound energy to adjoining properties
 - No speaker mountings in place
- 7) The licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property
 - Music heard in residential property nearby
- 8) No music will be played in, or for the benefit of patrons in external areas of the premises
 - Music being played in external area of premises for patrons in external area of premises
- 9) 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.
 - Speaker positioned on exterior of premises
- 10) 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
 - No signs visible

- 11) A complaints book will be held on the premises to record details of any complaints received from neighbours. The information is to include, where disclosed, the complainant's name, location, date time and subsequent remedial action undertaken. This record must be made available at all times for inspection by council officers
 - No complaints book available
- 12) Signs should be displayed requesting patrons to respect the neighbours and behave in a courteous manner
 - No signs visible
- 13) Door supervisors will be required at the premises from 21:00 till close. This is to prevent any public nuisance to nearby residence.
 - No door supervisor on duty
- 14) Re: Public Safety
 - Fire extinguishers last serviced in 2011
 - Fire extinguishers at the rear have no mounts or signs
 - Fire exit at rear was blocked along the alley
 - No fire exit for patrons using rear external garden to direct them back inside so they could have the option of escaping via the main entrance

Please note that this is a breach of the conditions on your licence and may result in enforcement action being taken.

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 Licence & 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

George Roberts
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 1335
E: enforcement.response@haringey.gov.uk

www.haringey.gov.uk/noise

Appendix 3 – Copy of current licence

PREMISES LICENCE

Receipt: AG1031847

Premises Licence Number: LN/000010163

This Premises Licence has been issued by:

**The Licensing Authority, London Borough of Haringey,
6th Floor Alexandra House, 10 Station Road,
Wood Green, London, N22 7TR**

Signature:.....

Date: 31st August 2012

Transfer & Vary DPS: 31st May 2016

Part 1 – PREMISES DETAILS

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

**SARK KOSEI
31 WESTBURY AVENUE
LONDON
N22 6BS**

Telephone: 020 8888 7847

Where the Licence is time limited, the dates:

Not Applicable

Licensable activities authorised by the Licence:

Regulated Entertainment: Indoor Sporting Events, Recorded Music

Supply of Alcohol

Late Night Refreshment

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

Regulated Entertainment: Indoor Sporting Events & Recorded Music

Monday to Saturday 1200 to 0100

Sunday 1200 to 2200

Supply of Alcohol

Monday to Saturday 1200 to 0100

Sunday 1200 to 2200

Late Night Refreshment

Monday to Saturday 2300 to 0100

The opening hours of the premises:

Monday to Saturday	0700 to 0200
Saturday	1000 to 0200
Sunday	1000 to 2300

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

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

Part 2

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

Sifa Orundas
14 Ivy House
Harrington Hill
London
E5 9ES

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:

Sifa Orundas
14 Ivy House
Harrington Hill
London
E5 9ES

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

Personal Licence:	077581
Issued By:	The London Borough of Hackney

Annex 1 –Mandatory Conditions

1. 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.
2. Every supply of alcohol under the Premises Licence must be made, or authorised by a person who holds a Personal Licence.
3. (1) The responsible person must 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.
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - 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 in a manner which carries a significant risk of undermining a licensing objective;
 - d) 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.
 - e) dispensing alcohol directly by one person into the mouth of another (other than where that other person is unable to drink without assistance by reason of disability).
4. The responsible person must ensure that free potable water is provided on request to customers where it is reasonably available.
5. (1) The premises licence holder or club premises certificate holder must ensure that an age verification policy is adopted in respect of the premises in relation to the sale or supply of alcohol.
(2) The designated premises supervisor in relation to the premises licences must ensure that the supply of alcohol at the premises is carried on in accordance with the age verification policy.

Annex 1 –Mandatory Conditions

(3) 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 either:-

- (a) a holographic mark or
- (b) an ultraviolet feature.

6. 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) these measures are displayed in a menu, price list or other printed material which is available to customers on the premises; and

(c) where a customer does not in relation to a sale of alcohol specify the quantity of alcohol to be sold, the customer is made aware that these measures are available.

Minimum Drinks Pricing

1. A relevant person shall ensure that no alcohol is sold or supplied for consumption on or off the premises for a price which is less than the permitted price.

2. For the purposes of the condition set out in paragraph 1 –

(a) "duty" is to be construed in accordance with the Alcoholic Liquor Duties Act 1979

(b) "permitted price" is the price found by applying the formula –

$$P = D + (D \times V)$$

Where –

(i) P is the permitted price

(ii) D is the amount of duty chargeable in relation to the alcohol as if the duty were charged on the date of the sale or supply of the alcohol, and

(iii) V is the rate of value added tax chargeable in relation to the alcohol as if the value added tax were charged on the date of the sale or supply of the alcohol;

(c) "relevant person" means, in relation to premises in respect of which there is in force a premises licence –

- (i) The holder of the premises licence
- (ii) The designated premises supervisor (if any) in respect of such a licence, or
- (iii) The personal licence holder who makes or authorises a supply of alcohol under such a licence;

Annex 1 –Mandatory Conditions

- (d) "relevant person" means, in relation to premises in respect of which there is in force a club premises certificate, any member or officer of the club present on the premises in a capacity which enables the member or officer to prevent the supply in question; and
 - (e) "value added tax" means value added tax charged in accordance with the Value Added Tax Act 1994.
3. Where the permitted price given by Paragraph (b) of paragraph 2 would (apart from the paragraph) not be a whole number of pennies, the price given by that sub-paragraph shall be taken to be the price actually given by that sub-paragraph rounded up to the nearest penny.
 4. (1) Sub-paragraph (2) applies where the permitted price given by Paragraph (b) of paragraph 2 on a day ("the first day") would be different from the permitted price on the next day ("the second day") as a result of a change to the rate of duty or value added tax.

(2) The permitted price which would apply on the first day applies to sales or supplies of alcohol which take place before the expiry of the period of 14 days beginning on the second day.

Door supervision:

All individual(s) at the premises for the purpose of carrying out a security activity must

- (a) be authorised to carry out that activity by a licence granted under the Private Security Industry Act 2001; or
- (b) be entitled to carry out that activity by virtue of section 4 of that Act

Annex 2 – Conditions consistent with the Operating Schedule

THE PREVENTION OF CRIME AND DISORDER

The licence Summary will be displayed on the premise.

Alcohol age restriction signs will be displayed in the premise.

All visible alcohol bottles will be hidden from customers reach or public view

CCTV Monitoring will be on 24 hours a day.

CCTV will be in line with Police requirements.

A licensed door supervisor will patrol the curtilage of the premises to prevent patrons urinating in public areas in the vicinity of the premises.

PUBLIC SAFETY

Only plastic cups and plastic bottles will be used in the premise.

THE PREVENTION OF PUBLIC NUISANCE

Prevention of nuisance from noise / vibration

All doors and windows will remain closed during the licensed hours. 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

Entrance/exit from the premises whilst licensable activities are ongoing shall be via a lobbied door to minimise noise breakout.

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

Other doors e.g. fire doors

The windows/doors will be fitted with an alarm that instructs staff when the door has been opened

Structure borne noise

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

Sound limits

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

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

Annex 2 – Conditions consistent with the Operating Schedule

reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours

Deliveries and collections

Deliveries and collections associated with the premises will be arranged between the hours 08:00 & 20:00 so as to minimise the disturbance caused to the neighbours

Empty bottles and non-degradable refuse will remain in the premises at the end of trading hours and taken out to the refuse point at the start of the working day rather than at the end of trading when neighbours might be unduly disturbed

Plant and machinery

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

Dealing with complaints

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

Patrons entering/ exiting premises

There will be no queuing outside the premises.

Where people queue to enter the premises a licensed door supervisor shall supervise and ensure the potential patrons behave in an acceptable manner

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

Door supervisors will be required at the premises from 21:00 till close. This is to prevent any public nuisance to nearby residence

When the premises turn out, a licensed door supervisor shall supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.

A licensed door supervisor will be positioned on the exit door to ensure, as far as reasonably practical, that patrons do not leave drinks.

A licensed door supervisor will patrol the curtilage of the premises to prevent patrons urinating in public areas in the vicinity of the premises.

Prevention of nuisance from litter

Adequate receptacles for use by patrons will be provided in the local vicinity. The positioning of the receptacles will be agreed with the licensing officer.

Prevention of Nuisance from Odour

All ventilation and extraction systems shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from odour.

Annex 2 – Conditions consistent with the Operating Schedule

Prevention of nuisance from light

Illuminated external signage shall be switched off when the premises is closed

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

THE PROTECTION OF CHILDREN

Licensee will ensure that an adequate age verification policy is in place in relation to the sale of alcohol. The policy must require individuals who appear to be under 18 years of age to produce on request, before being sold alcohol, identification bearing their photograph, date of birth and a holographic mark.

All relevant staff will be trained in the prevention of underage sales including: knowledge of the law and guidance on how to assess age and recognise acceptable ID.

Licensee keep a written record of staff training confirming that they have understood the legal requirements; signed and dated by the trainer and the trainee.

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.

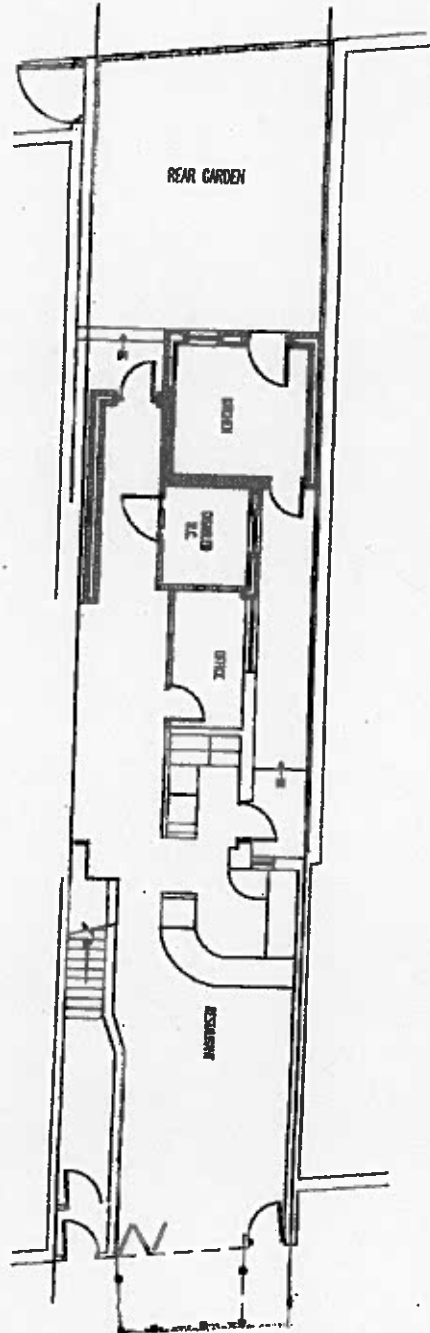
Annex 3 – Conditions attached after a hearing by the licensing authority

Not applicable

Annex 4 - Plans

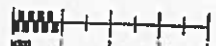
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Bornall



ISSUED FOR CONSTRUCTION

REV 8: 09.02.2012 - GENERAL REVISION TO ALL AREAS



ALL WORKS TO BE CARRIED OUT, STORED AND HANDLED IN ACCORDANCE WITH MANUFACTURER RECOMMENDATIONS, RELEVANT BRITISH STANDARDS, AND CODE OF PRACTICE AND BUILDING REGULATIONS.

THE DESIGN AND INSTALLATION OF THE ELECTRICAL, HEATING, PLUMBING AND OTHER MECHANICAL AND ASSOCIATED WORKS TO BE CARRIED OUT TOP THE SATISFACTION OF THE LOCAL AUTHORITY.

ALL WORKS TO BE IN ACCORDANCE WITH THE RELEVANT CODES OF PRACTICES AND OTHER RELEVANT STANDARDS. THE CONTRACTOR WOULD BE ENTIRELY RESPONSIBLE FOR THE SAFETY OF THEIR INSTALLATION.

DO NOT SCALE OFF THE DRAWINGS.

IBI DESIGN ASSOCIATES

31 WESTBURY AVENUE, WOOD GREEN H22

PROPOSED GROUND FLOOR

1:100 @ A3

HS/31/P33C