

The opening hours of the premises:

Monday Sunday 1100 to 2330

New Years Eve until 0100

A copy of the current licence can be found at Appendix 2.

### 1.5 Representations

1.6 Residents have made representation against the application. Please refer to Appendix 3 for further information.

## 2 Background

2.1 The premises has been operated by Fissha Berhane since March 2015 and there have been six complaints relating to noise nuisance. Three of which have been in 2017 and the most recent was made on 6<sup>th</sup> August 2017, which resulted in a warning letter being issued. The noise nuisance was occurring at 02:02 in the morning, the noise stopped at 3.30am. The applicant has been making use of Temporary event notices to operate into the early hours of the morning.

2.2 The Licensing Authority have made representation against the increase in hours as any later operation will give rise to noise nuisance for near by residents.

2.3 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.

2.4 The Licensing Authority considers that restrictions may be made to the proposed hours of use where, after receiving relevant representations, the council considers it appropriate for the promotion of the licensing objectives to do so. The council may take into account the existing pattern of licensed premises in an area when considering what is appropriate to promote the objectives.

## 3 Licensing Policy

The committee will also wish to be aware of the guidance issued under section 182 of the Licensing Act 2003. Licensing is about regulating the provision of licensable activities on licensed premises, by qualifying clubs and at temporary events within the terms of the Licensing Act 2003. The terms and conditions attached to various permissions are focused on matters which are within the control of individual licensees and others granted relevant permissions. Accordingly, these matters will centre on the premises and places being used for licensable activities and the vicinity of those premises and places.

The objective of the licensing process is to allow for the carrying on of retail sales of alcohol and the prevention of public nuisance, prevention of crime and disorder, public safety and protection of children from harm. It is the Licensing Authority's wish to facilitate well run and managed premises with licence holders displaying sensitivity to the impact of the premises on local residents.

In considering licence applications, where relevant representations are made, this Licensing Authority will consider the adequacy of measures proposed to deal with the potential for public nuisance and/or public disorder having regard to all the circumstances of the case.

Where relevant representations are made, this authority will demand stricter conditions with regard to noise control in areas that have denser residential accommodation, but this will not limit opening hours without regard for the individual merits of any application. This authority will consider each application and work with the parties concerned to ensure that adequate noise control measures are in place.

This Licensing Authority in determining what action to take will seek to establish the cause of concern and any action taken will be directed at these causes. Any action taken to promote the licensing objectives will be appropriate and proportionate.

### 3.1 Licensing hours

Where relevant representations are made, the Council will consider the proposed hours on their individual merits. Notwithstanding this, the Council may require stricter conditions in areas that have denser residential accommodation to prevent public nuisance. The Council will endeavour to work with all parties concerned in such instances to ensure that adequate conditions are in place. The Council may restrict the hours that certain premises can offer alcohol for sale for consumption off the premises for preventing crime, disorder and nuisance.

### 3.2 Powers of a Licensing Authority

3.3 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.

### 3.4 Options:

3.5 The Authority must, having regard to the application and the representations, take such steps (if any), as it considers appropriate for the promotion of the licensing objectives. The steps are:

In determining this application the Sub-Committee may take any of the following steps as it considers necessary for the promotion of the licensing objectives, namely:

- to modify the conditions of the Licence; or
- to reject the whole or part of the application.

For the purposes of the Licensing Act 2003 the conditions of the licence are modified if any of them are altered or omitted or a new condition added.

3.6 The licensing authority's determination of this application is subject to a 21 day appeal period or if the decision is appealed the date of the appeal is determined and /or disposed of.

## 4. Other considerations

Section 17 of the Crime and Disorder Act 1998 states:

"Without prejudice to any other obligation imposed on it, it shall be the duty of each

authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those function on, and the need to do all that it reasonably can to prevent crime and disorder in its area”.

#### 4.1 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

#### 5 Use of Appendices

Appendix 1 – Application and supporting documents

Appendix 2 – Copy of current Premises Licence

Appendix 3 – Responsible Authority representations/Residential reps.

Background papers: Section 82 Guidance

Haringey Statement of Licensing policy

**Appendix 1- Application and supporting documents**

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Application to vary a premises licence under the Licensing Act 2003

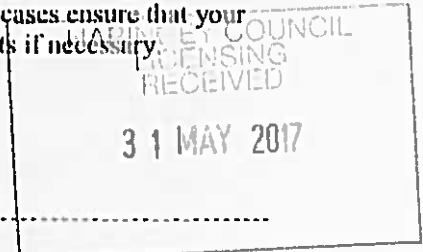
WK/384119

PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST

AG/10905741

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

You may wish to keep a copy of the completed form for your records.



I/we FUSSHA BERHANE

(Insert name(s) of applicant)

being the premises licence holder, apply to vary a premises licence under section 34 of the Licensing Act 2003 for the premises described in Part 1 below

Premises licence number	LN/000006923
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**Part 1 – Premises Details**

Postal address of premises or, if none, ordnance survey map reference or description			
MASCARA RESTAURANT 202 ARCHWAY ROAD			
Post town	LONDON	Postcode	N6 5BA

Telephone number at premises (if any)	
Non-domestic rateable value of premises	£ 14,250

**Part 2 – Applicant details**

Daytime contact telephone number	
E-mail address (optional)	
Current postal address if different from premises address	
Post town	
Postcode	

**Part 3 - Variation**

Please tick as appropriate

Do you want the proposed variation to have effect as soon as possible?

Yes

No

If not, from what date do you want the variation to take effect?

DD MM YYYY  
□ □ □ □ □ □ □ □

Do you want the proposed variation to have effect in relation to the introduction of the late night levy? (Please see guidance note 1)  Yes  No

**Please describe briefly the nature of the proposed variation (Please see guidance note 2)**

TO EXTEND THE OPERATING HOURS OF MASSAWA RESTAURANT ON FRIDAY AND SATURDAY NIGHTS SO AS TO ALLOW THE PROVISION OF LATE NIGHT REFRESHMENT, THE SUPPLY OF ALCOHOL AND THE PLAYING OF LIVE AND RECORDED MUSIC UNTIL 0300 HOURS

If your proposed variation would mean that 5,000 or more people are expected to attend the premises at any one time, please state the number expected to attend:

#### Part 4 Operating Schedule

Please complete those parts of the Operating Schedule below which would be subject to change if this application to vary is successful.

**Provision of regulated entertainment (Please see guidance note 3) Please tick all that apply**

- a) plays (if ticking yes, fill in box A)
- b) films (if ticking yes, fill in box B)
- c) indoor sporting events (if ticking yes, fill in box C)
- d) boxing or wrestling entertainment (if ticking yes, fill in box D)
- e) live music (if ticking yes, fill in box E)
- f) recorded music (if ticking yes, fill in box F)
- g) performances of dance (if ticking yes, fill in box G)
- h) anything of a similar description to that falling within (c), (f) or (g) (if ticking yes, fill in box H)

**Provision of late night refreshment** (if ticking yes, fill in box I)

**Supply of alcohol** (if ticking yes, fill in box J)

**In all cases complete boxes K, L and M**

**B**

Films Standard days and timings (please read guidance note 8)			<u>Will the exhibition of films take place indoors or outdoors or both – please tick (please read guidance note 4)</u>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 5)</u>  <u>State any seasonal variations for the exhibition of films (please read guidance note 6)</u>  <u>Non standard timings. Where you intend to use the premises for the exhibition of films at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Mon					
Tue					
Wed					
Thurs					
Fri					
Sat					
Sun					



C

Indoor sporting events Standard days and timings (please read guidance note 8)			<u>Please give further details</u> (please read guidance note 5)
Day	Start	Finish	
Mon			
Tue			<u>State any seasonal variations for indoor sporting events</u> (please read guidance note 6)
Wed			
Thurs			<u>Non standard timings. Where you intend to use the premises for indoor sporting events at different times to those listed in the column on the left, please list</u> (please read guidance note 7)
Fri			
Sat			
Sun			

A

Plays Standard days and timings (please read guidance note 8)			Will the performance of a play take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			<u>Please give further details here</u> (please read guidance note 5)		
Tue			<u>State any seasonal variations for performing plays</u> (please read guidance note 6)		
Wed			<u>Non standard timings. Where you intend to use the premises for the performance of plays at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Thurs					
Fri					
Sat					
Sun					

D

<b>Boxing or wrestling entertainments</b> <b>Standard days and timings (please read guidance note 8)</b>			<b>Will the boxing or wrestling entertainment take place indoors or outdoors or both – please tick (please read guidance note 4)</b>	Indoors	<input type="checkbox"/>
				Outdoors	<input type="checkbox"/>
Both	<input type="checkbox"/>				
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<u>Please give further details here (please read guidance note 5)</u>		
Mon					
Tue			<u>State any seasonal variations for boxing or wrestling entertainment (please read guidance note 6)</u>		
Wed					
Thurs			<u>Non standard timings. Where you intend to use the premises for boxing or wrestling entertainment at different times to those listed in the column on the left, please list (please read guidance note 7)</u>		
Fri					
Sat					
Sun					

E

Live music Standard days and timings (please read guidance note 8)			<u>Will the performance of live music take place indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<u>Please give further details here</u> (please read guidance note 5)  PLAYING OF MUSIC TO ENTERTAIN PARTIES OF DINERS BOTH AMPLIFIED AND UNAMPLIFIED IN BASEMENT OF PREMISES		
Mon					
Tue			<u>State any seasonal variations for the performance of live music</u> (please read guidance note 6)		
Wed					
Thurs			<u>Non standard timings. Where you intend to use the premises for the performance of live music at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun					

F

Recorded music Standard days and timings (please read guidance note 8)			Will the playing of recorded music take place indoors or outdoors or both – please tick (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish			
Mon			Please give further details here (please read guidance note 5)  PLAYING OF MUSIC TO ENTERTAIN PARTIES OF DINNER IN BASEMENT OF PREMISES		
Tue					
Wed			State any seasonal variations for the playing of recorded music (please read guidance note 6)		
Thurs					
Fri	23.00	03.00	Non standard timings. Where you intend to use the premises for the playing of recorded music at different times to those listed in the column on the left, please list (please read guidance note 7)		
Sat	23.00	03.00			
Sun					

G

Performances of dance Standard days and timings (please read guidance note 8)			Will the performance of dance take place <u>indoors or outdoors or both – please tick</u> (please read guidance note 4)	Indoors	<input type="checkbox"/>
Day	Start	Finish		Outdoors	<input type="checkbox"/>
Mon			Please give further details here (please read guidance note 5)	Both	<input type="checkbox"/>
Tue					
Wed			State any seasonal variations for the performance of dance (please read guidance note 6)		
Thurs					
Fri			Non standard timings. Where you intend to use the premises for <u>the performance of dance at different times to those listed in the column on the left, please list</u> (please read guidance note 7)		
Sat					
Sun					

H

<p><b>Anything of a similar description to that falling within (e), (f) or (g)</b>          Standard days and timings (please read guidance note 8)</p>			<p>Please give a description of the type of entertainment you will be providing</p>		
Day	Start	Finish	<p><b><u>Will this entertainment take place indoors or outdoors or both – please tick</u></b> (please read guidance note 4)</p>	Indoors	<input type="checkbox"/>
Mon				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Tue			<p><b><u>Please give further details here</u></b> (please read guidance note 5)</p>		
Wed					
Thurs			<p><b><u>State any seasonal variations for entertainment of a similar description to that falling within (e), (f) or (g)</u></b> (please read guidance note 6)</p>		
Fri					
Sat			<p><b><u>Non standard timings. Where you intend to use the premises for the entertainment of a similar description to that falling within (e), (f) or (g) at different times to those listed in the column on the left, please list</u></b> (please read guidance note 7)</p>		
Sun					

<b>Late night refreshment</b> Standard days and timings (please read guidance note 8)			<b>Will the provision of late night refreshment take place indoors or outdoors or both – please tick</b> (please read guidance note 4)	Indoors	<input checked="" type="checkbox"/>
				Outdoors	<input type="checkbox"/>
				Both	<input type="checkbox"/>
Day	Start	Finish	<b>Please give further details here</b> (please read guidance note 5)		
Mon					
Tue					
Wed			<b>State any seasonal variations for the provision of late night refreshment</b> (please read guidance note 6)		
Thurs					
Fri	23 00	03 00	<b>Non standard timings. Where you intend to use the premises for the provision of late night refreshment at different times, to those listed in the column on the left, please list</b> (please read guidance note 7)		
Sat	23 00	03 00			
Sun					



J

<b>Supply of alcohol</b> Standard days and timings (please read guidance note 8)			<b>Will the supply of alcohol be for consumption – please tick</b> (please read guidance note 9)	On the premises	<input checked="" type="checkbox"/>
				Off the premises	<input type="checkbox"/>
				Both	<input type="checkbox"/>
<b>Day</b>	<b>Start</b>	<b>Finish</b>	<b>State any seasonal variations for the supply of alcohol</b> (please read guidance note 6)		
Mon	-	-			
Tue					
Wed					
Thurs					
Fri	23.00	03.00			
Sat	23.00	03.00			
Sun			<b>Non-standard timings. Where you intend to use the premises for the supply of alcohol at different times to those listed in the column on the left, please list</b> (please read guidance note 7)		

K

**Please highlight any adult entertainment or services, activities, other entertainment or matters ancillary to the use of the premises that may give rise to concern in respect of children** (please read guidance note 10).

Please tick as appropriate

- I have enclosed the premises licence
- I have enclosed the relevant part of the premises licence

If you have not ticked one of these boxes, please fill in reasons for not including the licence or part of it below

Reasons why I have not enclosed the premises licence or relevant part of premises licence.

L

Hours premises are open to the public Standard days and timings (please read guidance note 8)			State any seasonal variations (please read guidance note 6)
Day	Start	Finish	
Mon			<b>Non standard timings. Where you intend the premises to be open to the public at different times from those listed in the column on the left, please list (please read guidance note 7)</b>
Tue			
Wed			
Thurs			
Fri	23.30	02.30	
Sat	23.30	03.30	
Sun			

Please identify those conditions currently imposed on the licence which you believe could be removed as a consequence of the proposed variation you are seeking.

CONDITION REGULATING OPERATING HOURS TO BE  
VARIED SO AS TO ALLOW THE ACTIVITIES SPECIFIED  
ABOVE TO CONTINUE ON FRIDAY AND SATURDAY  
NIGHT TO 0300 HOURS THE FOLLOWING DAYS  
WITH OPENING TO 0330 HOURS

**M** Describe any additional steps you intend to take to promote the four licensing objectives as a result of the proposed variation:

**a) General - all four licensing objectives (b, c, d and e) (please read guidance note 11)**

ADDITIONAL STAFF ON DUTY TO GIVE INCREASED SECURITY AND SUPERVISION. INSTALLATION OF CCTV WITHIN PREMISES. DESIGNATED PERSONS SUPERVISE ON PREMISES AT ALL TIMES.

**b) The prevention of crime and disorder**

SECURITY STAFF TO BE EMPLOYED. STRICT DOOR SUPERVISION TO REGULATE ENTRANCE TO AND EXIT FROM PREMISES. CCTV INSTALLED.

**c) Public safety**

NUMBERS OF PEOPLE ON PREMISES LIMITED TO MAXIMUM OF 100. FIRE ALARMS INSTALLED. FIRE EXITS KEPT CLEAR AND UNOBSTRUCTED. EMERGENCY LIGHTING AVAILABLE

**d) The prevention of public nuisance**

STRICT NOISE CONTROL. ALL DOORS AND WINDOWS KEPT CLOSED. NOISE LIMITS ON AMPLIFIED MUSIC. MUSIC PLAYED IN BACKGROUND ONLY. NO NOISE NOTICES TO BE PUT UP. DOOR SUPERVISION TO REGULATE DISPERSAL. INFORMATION PROVIDED TO PATRONS ABOUT LOCAL MUNICIPAL FIRMS AND LATE NIGHT PUBLIC TRANSPORT

**e) The protection of children from harm**

NO CHILDREN UNDER AGE OF 12 ALLOWED. CHILDREN AGED 12-18 ONLY ALLOWED IF ACCOMPANIED BY RESPONSIBLE ADULT. NO ALCOHOL TO BE SOLD TO UNDER-18s. PHOTO ID REQUIRED IN ALL DOUBTFUL CASES.

Checklist:

Please tick to indicate agreement

- I have made or enclosed payment of the fee; or
- I have not made or enclosed payment of the fee because this application has been made in relation to the introduction of the late night levy.
- I have sent copies of this application and the plan to responsible authorities and others where applicable.
- I understand that I must now advertise my application.
- I have enclosed the premises licence or relevant part of it or explanation.
- I understand that if I do not comply with the above requirements my application will be rejected.

IT IS AN OFFENCE, UNDER SECTION 158 OF THE LICENSING ACT 2003, TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION. THOSE WHO MAKE A FALSE STATEMENT MAY BE LIABLE ON SUMMARY CONVICTION TO A FINE OF ANY AMOUNT.

Part 5 – Signatures (please read guidance note 12)

Signature of applicant (the current premises licence holder) or applicant’s solicitor or other duly authorised agent (please read guidance note 13). If signing on behalf of the applicant, please state in what capacity.

Signature	<i>[Handwritten Signature]</i>
Date	31/05/17
Capacity	Applicant

Where the premises licence is jointly held, signature of 2nd applicant (the current premises licence holder) or 2nd applicant’s solicitor or other authorised agent (please read guidance note 14). If signing on behalf of the applicant, please state in what capacity.

Signature	
Date	
Capacity	

Contact name (where not previously given) and address for correspondence associated with this application (please read guidance note 15)

ASSHA BERMANE  
 ITASSAWA RESTAURANTS  
 202 ARCHWAY ROAD

Post town	LONDON	Post code	N6 5BA
Telephone number (if any)	07837 53356		

12. The application form must be signed.
13. An applicant's agent (for example solicitor) may sign the form on their behalf provided that they have actual authority to do so.
14. Where there is more than one applicant, each of the applicants or their respective agents must sign the application form.
15. This is the address which we shall use to correspond with you about this application.

202 Archway Road N656A  
Massawa Restaurant

Bar & coffee  
machin

Fire exit

Kichen

Fire exit

Dancing Area

stair

Toilets

men  
women

**Appendix 2- Copy of current Premises Licence**

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## PREMISES LICENCE

Receipt: AG909531

Premises Licence Number: LN/000006923

*This Premises Licence has been issued by:*

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

Signature: .....

Date: 13<sup>th</sup> January 2009  
24<sup>th</sup> March 2015

### Part 1 – PREMISES DETAILS

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

**MASSAWA RESTAURANT LIMITED  
202 ARCHWAY ROAD  
HIGHGATE  
LONDON  
N6 5BA**

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

Not applicable

**Licensable activities authorised by the Licence:**

**Regulated Entertainment: Live Music and Recorded Music**

**Supply of Alcohol**

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

**Live Music and Recorded Music**

**Monday to Sunday                      1100 to 2300**

**Supply of Alcohol**

**Monday to Sunday                      1100 to 2300**

**The opening hours of the premises:**

**Monday Sunday                      1100 to 2330**

**New Years Eve until 0100**

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

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

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

Massawa Restaurant Limited  
202 Archway Road  
London  
N6 5BA

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

09462707

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

Fissha Berhane  
47D Great Ormand Street  
London  
WC1N 3HZ

**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: LN/00006474  
Issued by: London Borough of Camden  
Expires: 31<sup>st</sup> October 2016

## **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.

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

The licensee will intend to run a low-key tapas style bar with emphasis on food rather than drink.

The premises will serve only draught beers and no alcopops

The licensee will liaise with the Police and local Authorities.

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

- Premises will participate in any existing Pub-watch scheme and setting up a 'Ring Round' procedure.
- The Police contact number will be kept next to the phone.

### **PUBLIC SAFETY**

- Premises will comply with all relevant fire and building regulations, all access areas will be kept free of obstruction.
- Lighting will be provided for any outdoor areas.

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

### **THE PROTECTION OF CHILDREN**

- The premises will adopt a proof of age scheme and join the PASS scheme and display the PASS poster.
- Children will not be allowed in the premises after 9pm.

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**

The licensing Sub Committee (the committee) decided to grant the application as amended by changes to the operating schedule, and subject to the mandatory, default and additional conditions as follows:

That mandatory condition 19 be adhered to.

The removal from the operating schedule, under Crime and Disorder, of the wording "The licensee will encourage people to eat with their drinks" and under Public Nuisance, "The building will be soundproofed by the Landlord.

- All doors will be kept closed during the regulated entertainment licensed activities or in any event after 11pm. Where the door is used for patrons to enter or leave the premises the door will be fitted with a self-closing device and staff told to ensure that it is not propped open. This includes any windows or doors to the courtyard area.
- Where necessary, adequate and suitable mechanical ventilation should be provided to public areas.
- The Regulated entertainment shall conclude 30 minutes before the premises is due to close to prevent excessive noise breakout as the premises empties.
- All speakers shall be mounted on anti-vibration mountings to prevent vibration transmission of sound energy and adjoining properties.
- The Licensee shall ensure that no music played in the licensed premises is audible at or within the site boundary of any residential property.
- No form of loud speaker or sound amplification system shall be sited on or near the exterior premises or in or near by any foyer, doorway, window or opening to the premises.
- Signs shall be displayed in the courtyard / on the frontage requesting patrons to recognise the residential nature of the area and conduct their behaviour accordingly – the management reserve the right to ask patrons to move inside the premises or leave if it is felt that they could be disturbing neighbours.
- The number of persons permitted to utilise the frontage for smoking purposes shall be restricted to no more than five persons at any one time. The management should ensure that noise, for example loud voices from such persons outside the frontage is kept to a minimum.
- Deliveries and collections associated with the premises will be arranged between the hours of 08:30hrs and 19:00hrs so as to minimise the disturbance caused to the neighbours.
- Glasses shall be collected from the courtyard area at the beginning of the day rather than at closing time when neighbours in close proximity might be unduly disturbed.
- Empty bottles and non-degradable refuse shall remain in the premises at the end of trading hours and taken out to the refuse collection point at the start of the working day rather than at the end of trading hours when neighbours might be unduly disturbed.
- All plant and machinery shall be correctly maintained and regularly serviced to ensure that it is operating efficiently and with minimal disturbance to neighbours arising from noise.
- A complaints book shall be held on the premises to record details of any complaints received from neighbours. The information is to include where disclosed the complainants name, location, date, time and subsequent remedial action taken. This record must be made available at all times for inspection by council officers.
- There shall be no queuing outside the premises.
- Signs shall be displayed requesting patrons to respect the neighbours and behave in a courteous manner.
- 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 odours.

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

- Illuminated external signage shall be switched off when the premise is closed.
- Any security lights shall be positioned to minimise light intrusion to nearby residential premises



## **Annex 4 – Plans**

### **LODGE WITH LOCAL AUTHORITY**

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**Appendix 3– Responsible Authority representations/Residential reps**

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**METROPOLITAN  
POLICE**

**Working together for a safer London**

**POLICE REPRESENTATION**

**Name and address of premises:**

**Massawa Restaurant, 202 Archway Road, London, N6 5BA**

**Type of Application:** Variation of a Premises Licence.

**I wish to make representation on the following:**

- Prevention of crime and disorder

If this application were granted in full or part, I would recommend the following alterations be made to the licence conditions. I also suggest that additional conditions be attached to the licence, as set out below, to further promote the licensing objectives.

	<b>Current Conditions</b>	<b>Recommendation</b>
1	CCTV System will be installed.	<p>A digital CCTV system to be installed in the premises.</p> <p>Cameras must be sited to observe the entrance doors from the inside.</p> <p>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.</p> <p>Cameras must be sited to cover all areas to which the public have access including any outside smoking areas.</p> <p>Provide a linked record of the date, time of any image.</p> <p>Provide good quality images - colour during opening times.</p> <p>Have a monitor to review images</p>

		<p>and recorded quality.</p> <p>Be regularly maintained to ensure continuous quality of image capture and retention.</p> <p>Member of staff trained in operating CCTV at venue during times open to the public.</p> <p>Digital images must be kept for 31 days. The equipment must have a suitable export method, e.g. CD/DVD writer so that Police can make an evidential copy of the data they require. Copies must be available within a reasonable time to Police on request.</p>
2		<p>At least one S.I.A registered security staff to be present from 2100 until venue has closed and clients dispersed from vicinity of venue on Fridays and Saturdays. Officer will monitor behaviour of clients inside venue, control entry to venue monitoring possibly intoxicated potential entrants and ensure clients smoking outside do not disturb residents.</p>
3		<p>An incident log shall be kept at the premises, it will be in a hardback durable format handwritten at the time of the incident or as near to as is reasonable and made available on request to the Police, which will record the following:</p> <ul style="list-style-type: none"> <li>(a) all crimes reported to the venue</li> <li>(b) all ejections of patrons</li> <li>(c) any complaints received</li> <li>(d) any incidents of disorder</li> <li>(e) seizures of drugs or offensive weapons</li> <li>(f) any faults in</li> </ul>

			<p>the CCTV system (g) any refusal of the sale of alcohol (h) any visit by a relevant authority or emergency service.</p>
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This is under the Protection of Children from Harm Objective.

Challenge 21 Policy Implemented:

I recommend that the following form of verification of a person's proof of age is:

A valid passport.

A photo driving licence

A proof of age standard card system

A citizen card, supported by the Home Office.

If these conditions were accepted in full I would withdraw my representation.

Officer: Mark Greaves  
Licensing Officer Haringey Police

Tel: 020 3276 0150

Mark.Greaves@Met.Police.UK

Date: 19th June 2017

## **Anderson Chanel**

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**From:** Barrett Daliah  
**Sent:** 17 August 2017 12:05  
**To:** Anderson Chanel  
**Subject:** FW: MASSAWA restaurant

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**From:** Barrett Dallah  
**Sent:** 17 July 2017 14:04  
**To:** FIssha Berhane  
**Subject:** RE: MASSAWA restaurant

Dear Sir/Madam

Apologies the representation was for your premises even though I had inadvertently left Philip Lane in the email, it was meant for 2020 Archway Road.

I have looked at the form again and you have certainly applied for the extended hours on a Friday night to a Saturday morning and then Saturday night to a Sunday morning. The representation submitted covers these days.

I note your comment regarding the busy road but that is not the consideration here. We look at the licence application in light of the licensing objectives and the potential for noise nuisance to arise. Whilst we are aware of you applying for TENS to allow for extended hours on given days it does not follow that a full variation and these later hours on a regular basis will not give rise to nuisance issues.

Please submit a better planning as requested.

The representation from the Licensing Authority remains in place.

Regards  
Daliah Barrett

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**From:** FIssha Berhane [mailto:\_\_\_\_\_]\_\_\_\_\_  
**Sent:** 17 July 2017 11:51  
**To:** Barrett Daliah <[Daliah.Barrett@haringey.gov.uk](mailto:Daliah.Barrett@haringey.gov.uk)>  
**Subject:** Fwd: MASSAWA restaurant

Sent from my iPhone

Begin forwarded message:

**From:** "  
**Date:** 17 July 2017 at 10:40:28 BST  
**To:** \_\_\_\_\_  
**Subject:** Re: MASSAWA 202 PHILIP LANE  
**Reply-To:**

Dear Daliah Barrett,

I am replying to the representation in your e-mail of 13 July. I note immediately from the heading that your representation is mistaken about the location of Massawa restaurant which is in fact at 202 Archway Road and not 202 Philip Lane. This location is of some importance to my

application because Archway Road is a major highway carrying a substantial volume of through traffic 24 hours a day which results in a high background noise level. Archway Road is also characterised by uses such as shops and restaurants which give it a mainly commercial character. I believe that the combination of high traffic flows and mainly commercial uses makes the location suitable for the extension of hours of operation sought by my application.

I am of course aware that there are also some residential flats above the commercial uses in Archway Road as well as residential properties in the side streets leading off the main road and these have been taken into account in the application. On this aspect I would refer you to Section M of the application form which sets out a number of measures proposed to safeguard residential amenities by controlling movements to and from the premises as well as noise levels from activities within. As you will see these measures include the employment of extra security staff who will regulate entrance and dispersal of patrons, the installation of CCTV to help control behaviour of patrons, the containment of activities within the building with all doors and windows closed, the playing of music solely at basement level, noise limits on equipment used for the amplification of music, and no noise notices displayed to remind patrons of the need to keep noise levels down.

Furthermore I am confident that local residents living in the side streets will not be troubled by any noise from vehicles used by patrons. There is a considerable number of car parking spaces for vehicles on Archway Road and these are available for use during the extended hours applied for. The premises are well located for public transport with night buses stopping immediately outside. The area is well served by mini cabs and the contact details of local firms will be displayed within the premises. For all these reasons I think it unlikely that patrons will need to park their vehicles in residential streets of the local area.

As the Council knows I have from time to time used the Temporary Event Notice procedure to authorise the holding of more than ten late night events at the premises in the last year or so. These events were generally of the same type and carried on during the same extended hours until 03:00 hrs as those which would be held at the premises in the future if my present application is granted. I have not received any complaints from local residents about these late night events and neither the Council nor other regulatory bodies have notified me of any complaints received by them. I believe that this shows more clearly than anything else that a licence for the extended hours sought by my application can be granted without detriment to local amenities.

I note that you wish the plans to be resubmitted to show the floors and staircase to be used. I will do so as soon as possible but I take this opportunity to state that the areas in use will be the ground floor and the basement of the premises and the staircase which connects them. I also wish to make it clear that the rear area outside the building is not part of the application and will not be used for any late night activities.

For the reasons given above I do not agree with your suggestion that the extended hours should be limited to those set out in your representation and I would ask you to take into account the points I have made and reconsider. I would also point out that the application is for a varied licence for extended hours not only in respect of Friday to Saturday but also Saturday to Sunday and should be considered on that basis.

Yours sincerely,  
Fissha Berhane

---Original message---

From :

Date : 15/07/17 - 14:30 (GMTDT)

To : [REDACTED]  
Subject : Fwd: MASSAWA 202 PHILIP LANE

Sent from my iPhone

Begin forwarded message:

**From:** Barrett Daliah <Daliah.Barrett@haringey.gov.uk>  
**Date:** 13 July 2017 at 15:27:24 BST  
**To:** " [REDACTED] " < [REDACTED] >  
**Subject:** MASSAWA 202 PHILIP LANE

Dear Sir,

We are in receipt of your application and are raising representation on the following matters:

- The plans are inadequate and need to be resubmitted to show the floors you wish to have in use and staircase etc.
- The application is seeking 3am which is too late for the area in general. We propose the following hours are better suited for the area:

**Regulated Entertainment: Live & Recorded Music**  
Friday to Saturday 2300 to 0100 Hours

**Late Night Refreshment**  
Friday to Saturday 2300 to 0030 Hours

**Supply of Alcohol**  
Friday to Saturday 2300 to 0100 Hours

**Supply of alcohol ON the premises**

**Hours open to the public**  
Friday to Saturday 2330 to 0130 Hours

- The application does not make clear that the rear area will be in use at all? We would not be supportive of this rear area being used for any licensable activity even if that activity was taking place in a tent.
- The application does not consider the residential make up of the area and the potential impact on the local community from later hours of operation and the potential for noise from customers dispersing in the early hours of the morning.

Regards  
Daliah Barrett  
Licensing Manager

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## Licensing Consultation

To: Licensing Officer

From: Enforcement Response Officer (Noise)

Name of Officer preparing representation: Charles Buckle

Our Reference: WK/000384119

Date: 17th June 2017

Premises: Massawa Restaurant, 202 Archway Road, Hornsey, London, N6 5BA

Type of application: Variation

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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

The operating schedule does not address the prevention of public nuisance from:

- Noise from patrons exiting the premises
- Noise generated from deliveries
- Noise generated from refuse collections
- Noise from plant and machinery

The noise caused by patrons exiting the premises and locating suitable transport home is likely to be detrimental to the residential amenity. This may be exacerbated by the level of public transport available at the proposed closing hours. *delete as applicable*

This representation recommends that the following alterations/conditions to the operating schedule:

### Prevention of nuisance from noise

#### Outside Areas

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

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

#### Deliveries and collections.

Deliveries and collections associated with the premises will be arranged for normal working hours 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

Liaison meetings will be held where specifically requested by residents to enable neighbours to raise concerns about any aspect of the licensed activities

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

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

When the premises turn out, management will supervise patrons and ensure they leave in a prompt and courteous manner, respecting the neighbours.

#### **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.

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

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

**Anderson Chanel**

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**From:** [REDACTED]  
**Sent:** 27 June 2017 23:17  
**To:** Licensing  
**Subject:** Massawa Restaurant - Archway Road - N6 5BA

Dear Haringey

I wish to make a representation against the proposed variation of opening hours by the above business on the grounds of Prevention of Public Nuisance.

With the Caipirinha night club across the road and the soon to be opened Winchester pub, there are ample late night venues in close proximity. Massawa is situated in a residential neighbourhood and residents (including many families with young children) will be extremely disappointed to see potentially drunk and disorderly behaviour and loud music until 3am.

Massawa had a similar application declined not so long ago. The residents were against the proposals then - nothing has changed now!

Regards

## **Anderson Chanel**

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**From:**  
**Sent:** 28 June 2017 21:04  
**To:** Licensing  
**Subject:** Massawa Restaurant, Archway Road N6 5BA

Dear Sir/Madam

I write with reference to the below quoted business reapplying for a late licence to provide music and sell alcohol from 11am through to 3AM.

I would like to respectfully but strongly object (again) that Haringey council should NOT grant such a licence.

There is currently, directly opposite Massawa Restaurant, a late night venue - Blue Vegas - which already provides music and alcohol until the early hours of the morning.

The music at the Blue Vegas bar is already too loud and can be heard by residents all the way down into the road directly opposite - Wembury Road, N6 - plus clients frequenting the Blue Vegas bar tend to stand outside smoking and drinking and cause noise disturbance by talking loudly and shouting.

There is often noise disturbance until 5am, with clients of the bar hanging around drunk and disorderly and causing disturbance to residents.

It is felt that the situation would be magnified with yet another venue having a late music and alcohol licence.

The Massawa is located in a densely populated residential area, and the disturbance to residents will be totally unacceptable.

Thank you for your consideration with this matter.

Yours faithfully

### **MASSAWA RESTAURANT**

**Archway Road, Hornsey, London, N6 5BA**

**Archway Ward**

**Regulated Entertainment: Live and Recorded Music  
Friday to Saturday 11am to 3am**

**Late Night Refreshment  
Friday to Saturday 11am to 3am**

**Supply of Alcohol  
Friday to Saturday 11am to 3am  
Supply of alcohol on the premises**

Hours open to the public  
Friday to Saturday 11.30am to 3.30am

Type of Premises Restaurant  
End Date Consultation Restarted 3 July 2017  
Type of Application Variation

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## **Anderson Chanel**

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**From:** [REDACTED]  
**Sent:** 03 July 2017 13:24  
**To:** Licensing  
**Subject:** Massawa Restaurant - 202 Archway Road, Hornsey, London, N6 5BA - Ward - Archway

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Dear Sir / Madam

I am writing to making representations to the above business and their proposal to extend opening hours.

This area of Highgate already suffers greatly from the Blue Vegas (formerly Caipirinha) nightclub which causes excessive noise and rowdy and unruly behaviour from customers. This venue has been complained about by Highgate residents for many years now with no action taken.

In addition to this, across the road will see the much anticipated re-opening of the Winchester pub which will serve until 1.30am. There is also the Bugaloo bar a short stroll away.

With this in mind, the last thing residents want is an additional late night venue, which alongside the others mentioned above, increases the potential for Public Nuisance and Crime and Disorder.

With the developing Archway town centre now taking shape, this area is far more appropriate for late night venues and is only half a mile away. No doubt there will be a flurry of applications for Supply of Alcohol, Late Night Refreshment and Live and Recorded Music when works are complete.

The Massawa Restaurant made a similar application recently which was met with great resistance and negativity - they clearly have very little regard for local residents by trying their luck again!

I hope you will consider the above points and not grant permission as it is unsuitable and not in keeping with our quiet, residential, conservation area.

Yours Faithfully